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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON MONDAY, APRIL 24, 1989

VOLUME 39

NETWORK COURT REPORTING LTD.

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C O U N S E L:

ROBERT ARMSTRONG, Q.C. MS. K. CHOWN	on behalf of the Commission
L. SOSNOWSKI M.W. CZUMA	on behalf of Waldemar Matuszewski
R. McMURTRY A. PRATT	on behalf of Charles Francis
D. SOOKRAM	on behalf of Dr. M. G. Astaphan
J. DePENCIER	on behalf of the Government of Canada
R. BOURQUE	on behalf of the Canadian Track and Field Association
D. MANN	on behalf of the Canadian Olympic Association
R. STEINECKE	on behalf of the College of Physicians and Surgeons
E. FUTERMAN B. HOROWITZ	on behalf of Ben Johnson

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---Upon resuming

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr.
Commissioner.

5 Late in the day, on Friday, I realized that,
through an error, that appropriate notice had not been
given in respect of the lineup of witnesses that I had
organized.

10 So I, at the last minute late on Friday, I
changed the order in consultation with Ms. Chown and other
counsel effected. So instead of having Mr. Dajia, we have
Waldemar Matuszewski as our next witness.

15 THE COMMISSIONER: Very well, thank you.
Mr. Sosnowski and Mr. Czuma, you represent Mr.
Matuszewski?

MR. SOSNOWSKI: That's correct, Mr.
Commissioner.

THE COMMISSIONER: Swear the witness,
please?

20 WALDEMAR MATUSZEWSKI: Sworn

THE COMMISSIONER: Thank you. Does this
witness need an interpreter, Mr. Armstrong? I understood
there to be an interpreter here?

25 MR. ARMSTRONG: Mr. Sosnoski and Mr. Czuma

and Ms. Chown and I have discussed it together with Mr. Matuszewski and we have an interpreter available and he has just arrived.

5 THE COMMISSIONER: All right. Will you step forth, please? Will you stand up for a moment and be sworn? What is your name please?

THE INTERPRETER: George Kahanek.

THE COMMISSIONER: Thank you.

10 THE INTERPRETER: Sworn

THE COMMISSIONER: All right. Is there any need of repeating the oath, Mr. Sosnowski?

15 MR. SOSNOSKI: Mr. Commissioner, can I have one word to the interpreter before we start?

THE COMMISSIONER: All right, fine. Did you understand the oath, Mr. Matuszewski?

THE WITNESS: Yes.

20 THE COMMISSIONER: Perhaps we better repeat the oath through the witness, please.

WALDEMAR MATUSZEWSKI: (Sworn through
interpreter)

25 THE COMMISSIONER: Thank you. I understand

that you are to be here only which needed, Mr.
Interpreter, not word-for-word?

THE INTERPRETER: Thank you very much.

THE COMMISSIONER: Thank you.

5 MR. ARMSTRONG: That's the arrangement and
certainly with apologies to Mr. Kahnek, I tend to ignore
him unless Mr. Matuszewski screams.

THE COMMISSIONER: Thank you.

Photographers, please? Mr. Armstrong?

10 MR. ARMSTRONG: Yes, thank you.

EXAMINED BY MR. ARMSTRONG:

Q. Mr. Matuszewski, I want to ask you a
few questions, first of all, about your background and
upbringing and training from an academic and professional
15 point of view.

You were born in Warsaw, Poland on March 6,
1947 is that correct?

A. Yes.

Q. And you attended high school in Warsaw
20 and then from 1967 to 1972, you studied at the University
of Warsaw, the Academy of Physical Education, from which
you received a master's degree in physiotherapy in Poland,
is that correct?

A. Yes.

25 Q. Then from 1972 forward, you were

employed as a physiotherapist in a rehabilitation hospital at the Warsaw Medical Academy, is that correct?

A. Yes.

5 Q. And you were there for two years and I understand in the middle '70's, from 1976 to 1982, you worked on your doctoral thesis in regard to the influence of neuromuscular stimulation and recovery of paralysis, nerves and muscles?

A. Yes.

10 Q. And then, looking at other areas of your employment which overlapped some of your academic career, from 1972 to '74, you were located at the Sport Medical Centre in the University of Warsaw, is that correct?

15 A. Yes.

Q. And then you became involved with the Polish Olympic Centre in Warsaw, Poland as a director of physiotherapy and involved in what I think you describe as the regeneration department, in the years 1975 to '78?

20 A. Yes.

Q. And there you were involved in looking after the physical wellbeing, if I can put it that way, of a number of Polish Olympic competitors. Would that be a reasonable description of what you were involved in there?

25 A. Yes.

Q. All right. And then from 1978 to 1982, you were involved as a physiotherapist with the Polish Olympic and National Track and Field Association?

A. Yes.

5 Q. And again, your work involved looking after the preparation of athletes for events, tending to their physical wellbeing when they had injuries, all by and large athletes training for and competing in international competition at the Olympic and other high
10 performance levels?

A. Yes.

Q. All right. And then in 1982 you left Poland and, first of all, went to Iraq where, from 1982 to 1984, you were employed in the General Hospital in
15 Baghdad?

A. Yes.

Q. And your duties there included what might be generally described as rehabilitative care in neurology, cardiology, orthopedic and trauma services?

20 A. Yes.

Q. And then, Mr. Matuszewski you came to Canada in 1984?

A. Yes.

Q. And your first stop in Canada was
25 Ottawa where you took up residence and, indeed, I think

your permanent residence in Canada has continued
throughout since 1984 to be in Ottawa?

A. Yes.

5 Q. And your initial employment in Ottawa
involved some hospital work at the Ottawa Civic Hospital
and the Ottawa General Hospital?

A. Yes.

10 Q. Then I understand after a short period
of time you began to find employment in the athletic world
starting first in 1985 as a regeneration consultant/
therapist consultant with the Canadian Weightlifting
Federation?

A. Yes.

15 Q. And then also in 1985 you were involved
as a rehabilitation and regeneration consultant with the
Canadian Alpine Ski Association?

A. Yes.

Q. And I take it there you were involved
with Canada's national ski team, were you?

20 A. It was the Canadian Alpine Ski
Association.

Q. Alpine so the downhill, slalome, et
cetera?

A. Yes.

25 Q. And then in your first year or two in

Canada you began to apparently give some seminars about your experience as a therapist on the international scene which brought you to Toronto to give a seminar at York University?

5 A. Yes.

Q. And as I understand it, at one of these seminars at York University or the seminar at York University, you met Mr. Charlie Francis?

A. Yes, I did.

10 Q. And did you, at that seminar, have some discussion with him about his training program as it related to his athletes and in particular to Angella Issajenko?

A. Yes.

15 Q. And as I understand it at that time, Angella Issajenko was expecting a baby but he asked you for some advice as to what kind of program might be undertaken to get her back on the track, as it were, after she gave birth to her child?

20 A. Yes. She was after the baby, she was.

Q. Sorry?

A. She was after the baby.

THE COMMISSIONER: After the baby.

THE WITNESS: At that time, after the baby

25 MR. ARMSTRONG: Oh, I see.

THE COMMISSIONER: It was after the baby was born.

MR. ARMSTRONG:

5 Q. All right. In any event, as a result of your discussions with Mr. Francis, I understand that he made a suggestion that you might consider providing your rehabilitation and regeneration services to some of his sprint athletes?

10 A. Yes.

Q. All right. And tell us about that then, Mr. Matuszewski? Did you reach some arrangement initially in 1985 with Mr. Francis?

15 A. He offer me that -- he start to build a group ---

THE COMMISSIONER: I think perhaps if you can move the microphone just a bit closer to you.

THE WITNESS: I'm sorry.

20 THE COMMISSIONER: Just take your time now. You said he offered you?

THE WITNESS: That I work with Charlie Francis and his group, he start to build a group, and he told that Angella is after baby and he ask me it would be possible to help her and prepare her again as before she was very -- because before she was a very good athlete.

25

MR. ARMSTRONG:

Q. Yes?

5 A. And I told Charlie that it would be not
problem because it was a lot of -- a lot of athletes they
have baby and after they took another -- a lot of gold
medals.

10 And I start work with Charlie -- with
Angella. I show them what to do, especially a lot of
stimulation, muscle stimulation, manual muscle stimulation
and Charlie ask me about another athletes and pretty fast
he knew that I know a lot about that and he offered me a
job, permanent job with the group.

Q. Yes. And did you accept that job when
he offered it to you? I take it you did?

15 A. I was asking him about my position, my
salary, what would be happen because my family were in
Ottawa and he promised me that everything would be --
everything would be all right and I tell, okay, will start
to work when will be -- the contract will be ready.

20 Q. And initially was your contract with
the Scarborough Track and Field Club or was it with the
Canadian Track and Field Association?

25 A. No, the contract, it was with the
Canadian Track and Field and Charlie offer me from
beginning that I would have more money from the Mazda

Optomist Club.

Q. I see. As a supplement to whatever you
got from ---

A. Yes, yes.

5 Q. --from the Canadian Track and Field
Association?

A. Yes.

10 Q. So then, in that first year, how did it
work out. You had received a certain sum of money from
the Canadian Track and Field Association?

A. All of it.

Q. Sorry?

A. All of it from the Canadian Track and
Field Association.

15 Q. All right. And were you then employed
on a full-time basis, Monday to Friday, with the group at
York University?

A. Yes.

20 Q. Providing your services to the
sprinters or to all the track and field athletes?

A. All the track and field athletes but
especially for the sprinters. And when another athlete,
they have a problem, across Canada, they came to York
University track.

25 Q. I see, and they would come see you if

they had ---

A. Yes.

Q. --if they had a special problem?

A. Yes.

5

Q. So I take it then that you were treating athletes other than simply the Scarborough Optomist ---

A. Yes.

Q. ---track and field athletes?

10

A. Yes.

Q. And we've heard that you were provided with some small room at York University under the stairs or ---

A. Yes.

15

Q. ---or some place where you set up shop?

A. Yes.

Q. And had your table?

A. Yes. I didn't have my room; it was only small place over there.

20

Q. And also, as I understand it, from the time you started in 1985 until indeed the Olympics of last year in 1988, you continued to live in Ottawa, in a sense at least on the weekends, and you really commute from Ottawa to Toronto?

25

A. Yes, every weekend when I were in

Canada, not together with the athletes outside of Canada or travelling within other cities in Canada, I was travelling every weekend, when I finished my work, at ten o'clock -- 10:30, 9:30, I take a shower and I was
5 driving -- I drove all the time, from Friday night to Ottawa and Monday to Toronto, back.

Q. All right. Then you might just take a moment, if you will, Mr. Matuszewski -- I don't know whether in a general way you can tell us or not -- but
10 what is it that you provided for the athletes? What is it your -- the scope of your professional service and technique? What kind of things do you do?

I mean, I suspect, having asked you that question, we could be here for a couple of days because
15 we've already heard of some of the tremendous things you've done. But just, in a general way, tell us what it is you do?

A. Okay. I was preparing for the athletes all the recuperation and generation program. There was
20 massage therapy.

Q. Massage therapy?

A. Massage therapy, physiotherapy, hydrotherapy, balneotherapy. It was something new about the hydrotherapy and balneotherapy for the athletes.

25 Q. Can I stop you there? What is

hydrotherapy?

A. Okay, this hydrotherapy, balneotherapy, is a water therapy. Usually is a sauna, a whirlpool, cold bath, swimming pool with -- exercises in the swimming
5 pool. A special salt like epsom salt or sea salt is another, to loose -- for loose the muscles.

And I was the first who was preparing the program in Canadian -- for the Canadian athletes. It was something new for the athletes.

10 Q. All right. Now, as a layman who usually speaks from an abundance of ignorance on these things, I always had the idea that somebody who did your sort of work was involved with athletes when they're injured.

15 But, I know having talked with you that there is a whole scope of your work involved with athletes actually getting them ready to race even when they're not injured, am I right?

A. Yes.

20 Q. Perhaps you might just tell us about that? Take Ben Johnson? What would you do with Ben Johnson to get him ready for a big race, assuming that he's not injured. I mean, do you actually work with him?

A. Yes. I work with Ben and with another
25 athlete usually two, three times a day and it was a

different program before training, during the training and after the training.

Q. All right. Why don't you just take a moment and tell us about the various programs?

5 A. This program was a manual program and usually it was a special kind of massage to loose the muscles; refractory massage and Swedish massage.

It was before training, during the training where the athletes feel that the muscle a little bit
10 tight. They came immediately to my room or I -- or I went to the track and I spent half hour, 25 minutes and I tried to loose the muscles.

Q. Yes?

A. And the same was before all the
15 competition and as at the training.

Q. Well, if we take a sprinter, for example, who is going to compete in a 100 metre race and he's one of your patients or clients, would he typically come and see you before he begins to warm-up for -- do his warm-up
20 exercises for that race, to have his leg muscles stimulated or worked on by you?

A. Yes. Before the warm-up, all the athletes, they have day before and if the race was in the morning they have a special refractoric treatment for the
25 body and a lot of stretching during the warm-up area. And

shaking before -- before race.

THE COMMISSIONER: Do you know anything about tendonitis, the shoulder?

THE WITNESS: Yes.

5 THE COMMISSIONER: Well, you and I'll have a chat later.

MR. ARMSTRONG: It won't help.

BY MR. ARMSTRONG:

10 Q. Then, Mr. Matuszewski, I take it then it goes without saying that that's the sort of broad range of services that you would provide to the members of the Canadian Track and Field Association?

15 THE COMMISSIONER: That would be apart from any injuries. You're dealing with the non-injury type, I guess.

MR. ARMSTRONG:

20 Q. Right, apart from any injuries -- at York University?

A. Yes.

Q. And then obviously, if an athlete pulls a hamstring muscle or suffers some other injury, you would be involved in -- in that kind of ---

25 A. Well, the athletes, they took the

injury, it was a different program.

Q. Yes?

A. It was a different program, special -- a lot of exercises, special kind of therapy. But usually
5 it was manual therapy or muscular stimulation, equipment or electric acupuncture.

Q. All right. Now, you first came to Toronto, did you live at Charlie Francis' apartment?

A. Yes.

10 Q. And how long did you live there, approximately?

A. How long? Month, maybe one and a half month. It was before my contract.

15 Q. All right. And then after you got your contract settled away, you moved in to a flat or a room at George Van Zeyl's house, I think?

A. Yes.

Q. And he was one of the coaches with the Scarborough Track and Field Club?

20 A. Yes.

Q. And during that period of time that you were there, was there also an athlete by the name of Michael Sokolowski living at George Van Zeyl's house?

A. Yes.

25 Q. I'm going to come back to that but I

just wanted to set the background.

Let me carry you ahead a bit further again just to get the background: At some point in time, did you begin to work in concert or co-operation with Dr.

5 Astaphan in relation to some of the athletes?

A. I cooperate with Dr. Astaphan after Rome '87.

Q. From '87?

A. Yes, after the meeting in Rome '87.

10 Q. All right. Okay. Well, we'll then -- and who introduced you to Dr. Astaphan?

A. Before -- before in Canada -- in Toronto, introduced me Charlie Francis, it was in Toronto. Because Charlie, he wants if I will work with Dr. Astaphan
15 clinic but I don't know what was happened. He told that he is coming to St. Kitts and I never find the job there, like a second job. And I saw him with Charlie, Astaphan apartment one time. It was from the beginning.

20

25

Q. All right. Well, let me just see if I can clarify that a little bit. We know that Dr. Astaphan was in Toronto until September the 1st, 1986, and he more or less broke up his practice here and moved back to St. Kitts. Was there some proposal at around that time or before that time by Charlie Francis that you and Dr. Astaphan might be involved in some clinic?

A. Yes.

Q. But I take it that never did happen?

A. No, it was only one meeting at Charlie Francis' apartment and after, he moved --

Q. To St. Kitts?

A. Dr. Astaphan, he moved to St. Kitts. And the next contact, it was in around '87.

Q. And the proposal at that time, I take it, was to have some kind of sports clinic in which Dr. Astaphan would provide the medical services; you'd provide the regeneration and other services that you've described?

A. I think. He asked me only how many patients I would care for, and he started to calculate --

Q. All right. In any event, we need not dwell on that because it didn't come to fruition. I want to move along to some other matters. I take it that when you initially joined together with Charlie Francis and became employed by the Canadian Track and Field

Association that since you were paying particular attention to the sprinters, you would have treated Ben Johnson more or less from the beginning? When I say treat Ben Johnson, provide your --

5 A. Yes.

Q. -- rehabilitative and regeneration services to him?

A. Yes, yes.

10 Q. And that, I take it, would also include some of the other Scarborough Optimists sprint group athletes whose names have surfaced in this hearing such as Cheryl Thibedeau, Molly Killingbeck, Desai Williams, Mark McKoy, Tracy Smith, Tony Sharpe?

A. Yes.

15 Q. I believe, also, although she's not a member of the Scarborough group, you treated Angela Bailey?

A. Yes.

20 Q. Then a sprinter by the name of France Gareau?

A. Yes.

Q. Katie Anderson?

A. Yes.

Q. Then --

25 A. All that was not from the beginning but

after, I worked with them.

Q. Then I wanted to take you to the National Track and Field Championships that were held in Ottawa in June of 1986. I take it that over the years you would attend the National Championships that were sponsored by the Canadian Track and Field Association?

A. Yes.

Q. And the National Championships in June of '86 that were held in Ottawa, you, of course, would have been there?

A. Yes, because I worked with all the Canadian team. Not only with those at the club.

Q. Now, Angella Issajenko has testified that while in attendance at the Nationals in Ottawa in '86, after she had finished her two events, the 100 metres and 200 metres, you were providing some kind of services to her, I think a massage of some kind. Do you remember doing that or would you typically have done that, provided a massage for her after she had finished her races?

A. Sometimes yes, sometimes no. Sometimes the athletes are gone after the races, and sometimes, yes. With that moment, what was it, '86, after the National, if I gave her a service and another of these, it's difficult to --

Q. Difficult to remember?

A. Too difficult to remember, yes.

Q. In any event, she has testified that while you were providing her with treatment in her hotel room, she asked you to give her a steroid injection, and she said that you did. And did you in fact ever inject Angella Issajenko with any steroids, either -- well, did you inject her with any steroids on that occasion?

A. Not with the steroids. I inject Angella but not with the steroids. And in 1986, after the National, Charlie, Ben and Angella, I call to the association and they have next race in East Germany, 8th of June.

Q. Eighth of July, you mean? Her evidence was that this event took place at the Nationals, which were June 22nd, 1986, so it must have been July, the next race?

A. Yes. June, it was June, yes?

Q. June in Ottawa, June 22nd.

A. Yes, and the next race, it was in June -- in July, 8th of July in West Germany, and the second race was the 10th of July in Moscow for Ben. And from the 22nd after the National to 8th of June --

Q. Eighth of July?

A. Eighth of July is not a long time for the anabolic steroid. Usually it's minimum 21, 22 days.

And from the 22nd of June to 8th of July is only 16 days, and she would have tested immediately positive. And with my opinion --

5 THE COMMISSIONER: It wouldn't be enough --
you're saying there wouldn't be enough clearance time to give her steroids? Is that what you're saying?

A. Yes, yes, yes.

10 THE COMMISSIONER: But who -- what did you give her? She said, I think, that she gave you the material to inject her with. Did you have it with you?

You did give her an injection, didn't you?

A. Not with the steroids.

15 THE COMMISSIONER: You gave her an injection?

A. Sometimes inosine with Vitamin B-12.

THE COMMISSIONER: Well, did you have it, or did she give it to you?

A. No, she gave to me.

20 THE COMMISSIONER: Well, now, she testified she gave it to you, and she said it was a steroid. She gave it to you, and you injected her? She had the substance, didn't she? She had the --

A. Yes, yes, yes, of course, and --

THE COMMISSIONER: She had the liquid.

25 A. The liquid, and all the time, if

somebody wanted, they gave me, and they take it immediately, this, after the injection.

THE COMMISSIONER: She brought it to you, and you injected her with it?

5 A. Yes.

THE COMMISSIONER: I see. And you say you didn't know what it was?

A. Yes, and with my opinion, where it's not 21, 22 days --

10 THE COMMISSIONER: Well, you were familiar with steroids, obviously?

You were familiar with steroids?

A. Not really, but --

15 THE COMMISSIONER: Well, you knew the clearance time. That's what Mr. Armstrong asked you about it, and you said you couldn't give it to her because there wasn't enough clearance time.

A. Yes, but at the time everybody knows that the minimum time is 21, 22 days, and with my --

20 THE COMMISSIONER: For what?

A. -- also was about --

THE COMMISSIONER: What type of steroid?

A. I think that every type of steroids.

THE COMMISSIONER: Go ahead, Mr. Armstrong.

25

MR. ARMSTRONG:

Q. In any event, I just want to clarify one point. You said that the next race of Angella Issajenko was July the 8th in West Germany. I think, in fact, it was East Berlin; is that not so?

A. Yes.

Q. And, of course, whether or not Angella Issajenko had sufficient time for the steroids to clear her system would only be important if she was going to be tested in East Berlin?

A. Of course.

Q. And if, of course, she wasn't tested in East Berlin or knew that she wasn't going to be tested in East Berlin, it wouldn't be of any consequence?

A. No.

Q. And I should tell you that my information is that she wasn't tested in East Berlin and didn't expect to be tested in East Berlin. Does that make any difference to your assessment of whether you may or may not have given, injected her with a steroid?

A. I don't remember this moment in '86, but where she knew that she will never be tested in west, in East Germany, it was possible to use the steroids.

Q. I'm sorry. I'm not following you.

A. When she knew that it will be not, that

was to be not tested --

Q. Yes?

A. -- in East Germany, it was possible to use the steroids.

5 Q. I see, right. I understand. Then, Mr. Matuszewski, I wanted to ask you about another athlete by the name of Pier-Francisco Pavone, and did you meet him at the time of the World Championships in Rome in 1987?

A. Yes.

10 Q. And tell us about that. How did you meet him and what occurred?

A. He took the injury, and the Canadian athletes asked me, told him that I will help to fix his injury. And they asked me maybe I would work with Francisco, Pier-Francisco Pavone. I told them that I am
15 busy, but they were pushing me and I start to work with Francisco Pavone and I help him.

Q. I'm sorry. He obviously had some kind of injury at that time that --

20 A. Yes, it was, it was -- he stretched the hamstring. No, it was the quadriceps. He stretched the quadriceps. And it was a lot of blood there, but he never pulled the muscles. The doctors told him that he pulled the muscle and it's not possible to compete for another
25 half a year. And with my opinion, it was he stretched the

muscles. It was a lot of blood, but it was possible to run again after the treatment. And he run after two days. He was sitting in the block. He start; he ran a few metres, and after -- it was agreement like that, and after
5 two days, he was running 200 metres and he was pretty fast.

THE COMMISSIONER: Was this in Rome?

A. Yes, it was in Rome.

THE COMMISSIONER: Thank you.

10

MR. ARMSTRONG:

Q. Then we've heard, Mr. Matuszewski, that Mr. Pavone came to Toronto sometime during the fall of 1987 where he trained with Charlie Francis. And did he
15 come under your treatment while he was there during the fall of 1987 at the York University Centre?

A. Yes.

Q. And what sorts of things did you do for him?

20

A. With his life, he took a lot of injuries, and it was a lot of problem with his leg and with his low back. And I told him that he needs very good program. I prepare for him the program, a regeneration program, a lot of exercises, after training, sometimes
25 before training, manual exercises on the table. He makes

muscles after muscles, the exercises I start to work with him.

Q. Yes?

5 A. And twice a day, the muscular electrical stimulation, especially for his low back and for his legs. And the training was, my treatment, it was twice a day, sometimes three times a day, sometimes during the training. I was starting to work with him before when I start to work with athletes, my normal works, and I
10 finished with him when I finished with all the Canadian athletes. I make him another treatment during the night.

Q. We've heard some evidence that he was staying at the Novotel Hotel --

A. Yes.

15 Q. -- up in North York. Was that somewhere up on Yonge Street?

A. Yes.

Q. Would you go up to his hotel room and provide him with whatever treatments you were giving him
20 there?

A. Usually he was waiting when I would finish everything with the other athletes because it was easier for me to work with my room in York University than on the bed in the Novotel Hotel.

25 Q. In the Novotel Hotel?

A. Yes.

Q. And was there some financial arrangement worked out between you and Pavone?

A. Yes.

5 Q. Tell us about that, please.

A. I had a financial agreement with him and his father that for around four months when I worked with him they would pay me \$6,000 American.

Q. Yes?

10 A. And they never -- they pay me, but only one and a half thousand American dollars.

Q. So the arrangement was for about a four-month period --

A. Yes.

15 Q. -- November, December, through the indoor season, I take it, to pay 6,000?

A. Yes, to the meet in Hungary, in Budapest.

20 Q. Was it towards the end of February or so that the Indoor World Championships were being held in Budapest, Hungary?

A. Yes.

Q. So you were to stay with him until whenever it was those championships were held --

25 A. Yes.

Q. -- and receive a payment of \$6,000 U.S.?

A. Yes.

Q. But what happened was you only received \$1,500 U.S.?

5 A. Yes.

Q. Now, was Dr. Astaphan involved in any way in the training or treatment of Mr. Pavone?

A. Yes.

Q. And in what way?

10 A. He prepared for him the vitamins program and the nutrition program and the special inosine with Vitamin B-12 because he has, he feels low back. Mr. Pavone, his problem was low back and nerves problem, and the vitamins were to help him.

15 Q. And did -- you mentioned a few minutes ago that although there was one discussion in 1986 about you and Dr. Astaphan working together, that didn't materialize and that you and he didn't work together again until 1987. Is this when you began working together?

20 A. Yes.

Q. And Dr. Astaphan, of course, so far as the evidence has shown to date, was living and presumably practicing medicine in St. Kitts. Did he come to Toronto from time to time to check up on Mr. Pavone?

25 A. Yes, and other athletes. He was

sometimes a week, two weeks in Toronto and again in St. Kitts.

Q. And, presumably, the other athletes would then be some of the group who were by then the Mazda Sprint Group of athletes; is that right?

A. Yes.

Q. And in the program that was devised for Pavone by you and also by Dr. Astaphan, I take it there was some consultation and discussion between you and Dr. Astaphan about what you were doing for Pavone?

A. Not really because I have my subject; he has his subject. And what I -- I asked Pavone what kind of medicine he is using, and he gave me all the stuff, what he was using.

THE COMMISSIONER: You asked who?

A. I asked Mr. Pavone what kind of medicaments do you --

THE COMMISSIONER: You didn't ask Dr. Astaphan what it was?

A. No.

THE COMMISSIONER: Why not?

A. Because it was not my job and he never asked me what I'm doing. I'm working with mine. I don't know a lot about medicine. He doesn't know a lot about the --

THE COMMISSIONER: Well, Pavone wouldn't know that.

A. -- rehabilitation program.

THE COMMISSIONER: I would have thought you
5 might ask the doctor that was working with you rather than the athlete.

A. No, no. I asked Pavone because the stuff was in his hotel room, and I asked him, "Tell me, please, what kind of medicine, what kind of vitamins, what
10 kind of medicine do you use?" And he gave me all the stuff.

THE COMMISSIONER: You didn't discuss it with Dr. Astaphan though you were working together?

A. No. Because I'm not interested with the
15 medical stuff.

THE COMMISSIONER: You weren't interested in what you were giving the athletes? Did you inject any of the other athletes?

A. Yes.

THE COMMISSIONER: And you weren't
20 interested in what you were injecting them with?

A. Yes, it was inosine with Vitamin B-12.

THE COMMISSIONER: But you didn't ask the doctor who supplied the medicine?

A. Yes. But about --
25

THE COMMISSIONER: You never asked?

A. Yes, I never asked.

MR. ARMSTRONG:

5 Q. And although you and Dr. Astaphan were working together, you never asked him what drugs he was prescribing for Pavone?

A. No. The list, what I have is from Pavone, the list, is not from Dr. Astaphan.

10 Q. Your profession is clearly a profession that I suppose, broadly described, might be a profession within the healing arts; so is the practice of medicine within the healing arts, and the two of you are working in cooperation with one another. Forgive me, but it seems
15 strange that the two of you would not consult when you were obviously working in the same area towards the same end?

A. Yes, but it's not a lot of medicaments.

20 THE COMMISSIONER: But your injection -- did you have syringes and so on to inject clients? Did you have the needles and so forth?

A. Pardon?

THE COMMISSIONER: You were injecting some of these patients?

25 A. Yes.

THE COMMISSIONER: And where did you get the needles from?

A. Sometimes from the athletes. Sometimes they wanted, if I bought the needles for athletes. I
5 bought a lot of times. I give the needles to the athlete and I --

THE COMMISSIONER: But did Dr. Astaphan know that you were going to do the injections?

A. Yes, he asked me about it.

10 THE COMMISSIONER: Would he not tell you how many injections to give, how much of the drug to inject, how often to do it? That was his --

A. Yes, okay. I don't --

THE COMMISSIONER: -- his domain?

15 A. Yes, I was not discussing about the vitamins because it's not a lot of the vitamins and it's not a lot of the minerals. It's a small group of the minerals and vitamins, magnesium, potassium and so on. And all the athletes are using this, and it was not
20 important to discuss because I knew. I knew and everybody -- he knows about that. And we were discussing only about --

THE COMMISSIONER: Excuse me. We've had evidence from many athletes so far who described this
25 substance, and included were steroids plus your Vitamin B

plus your inosine. You know what these athletes have said?

A. Yes, and I was discussing with Astaphan, only with him, inosine with Vitamin B-12, and he gave me
5 the list that every second day where there would be speed training, I have to inject 1-cc of inosine with Vitamin B-12.

THE COMMISSIONER: I see.

10 MR. ARMSTRONG:

Q. All right. And --

A. Only that, not about the vitamins and not about the minerals because it is --

15 THE COMMISSIONER: So the word "steroids" was never -- you didn't know anything about steroids being used amongst the Mazda people at all. It must have been quite a surprise for you to hear all this evidence?

A. I was never discussing about the steroids.

20 THE COMMISSIONER: I see.

MR. ARMSTRONG:

Q. Well, when you say you discussed with Dr. Astaphan the administration of the inosine and Vitamin
25 B-12, the dosage of 1-cc, did he provide to you the

inosine and Vitamin B-12 to inject into any of the athletes that you did inject? Did he give you the inosine and Vitamin B-12?

A. Yes, for Pavone.

5

Q. For Pavone?

A. Yes, and he gave me also for Mike Sokolowski and Katie Anderson.

Q. Katie Anderson?

A. Yes.

10

Q. And these, of course, as already indicated, are injectables. What colour is the inosine liquid?

A. It's a red colour.

Q. Red?

15

A. Yes.

Q. Red throughout?

A. A red, sometimes it was pinky colour.

Q. All right. And what about the Vitamin B-12, what colour was it?

20

A. It was together.

Q. Oh, it was mixed together?

A. It was mixed together. And for Mike Sokolowski, it was red and white, and I mixed together.

25

Q. I see. So you had some, for Mike Sokolowski, you had some milky-white substance that you

mixed with the inosine/Vitamin B-12?

A. Yes, because for Mike it was different.

Q. All right. And where did you get the milky-white substance?

5 A. From Dr. Astaphan.

Q. I'm just showing you a bottle containing a liquid in it that on the bottom the liquid is milky white and then there is a layer on the top which is more or less clear, and if the bottle is permitted to settle
10 long enough, the liquid on the top is quite clear, almost watery. Does that look like the kind of substance that you injected into Mike Sokolowski?

A. Yes.

MR. ARMSTRONG: All right. That, for the
15 record, is Exhibit 117A.

MR. ARMSTRONG:

Q. Now, you got a substance like that from Dr. Astaphan. Did he tell you what it was?

20 A. That, he told me that it's for Mike Sokolowski to build, to build his muscles and to keep him in good shape.

Q. Well, you knew it was a steroid, I take it?

25 A. I never asked, but I knew about it

because only the steroids will build the muscles.

Q. Did he tell you that -- did he tell you what the name of the steroid was?

A. I don't remember.

5 Q. Did you ever hear the name Estragol?

A. No.

Q. So, in any event, as far as Mike Sokolowski is concerned, over a period of time in, when would it have been, the fall of 1987, you injected him with a combination of Vitamin B-12, inosine and a milky-white substance which Dr. Astaphan gave you and which you assumed was a steroid?

10

A. Yes.

Q. Now, how frequently did you inject Mr. Pavone with what you say is the mixture of Vitamin B-12 and --

15

THE COMMISSIONER: In the mixture for Mr. Pavone, was there any white substance at the bottom of it at all, the Pavone mixture?

20 A. No, a red stuff, pinky stuff.

THE COMMISSIONER: Well, pinky is different than red.

A. Yes, pinky, because the very red stuff was only for Ben Johnson, but the other athletes they used only the pinky stuff. It was the same but not as strong

25

as Ben Johnson.

THE COMMISSIONER: Okay.

MR. ARMSTRONG:

5 Q. Well, let me see if we can clarify it a bit. For some of the other athletes, including Pavone, did you ever have in a bottle milky-white stuff on the bottom and a clear liquid on the top that was tinged with pink?

10 A. No, no. Usually they gave me, because the stuff they gave the athletes, they gave me the stuff and it was shaking stuff, but it was pink. It was probably not mixed together.

15 Q. You say there was some darker red liquid that was injected into Ben Johnson?

A. Yes.

Q. Much --

A. Yes, about --

20 Q. Much darker red than the pink injections that you gave to other athletes?

A. Yes.

Q. And I suppose if the darker red substance was mixed with a white substance it might produce a pink liquid?

25 A. No, because this is not clear, the white

stuff, and when I mixed with Mike Sokolowski the first time, it was not clear, this stuff, and the pinky, the pinky stuff and the red stuff was clear.

5 Q. I see. I'm going to come back in a moment or two and ask you what athletes other than Pavone and Sokolowski we're talking about, but I want to stay for a moment with Sokolowski, first of all. Did Dr. Astaphan give you a protocol on paper for Sokolowski?

10 A. Yes, he gave me the protocol and with the bottles, and on the protocol was what kind of needles he would have to buy. And he bought the needles because it was a special size for the needles. He bought the needles, and he asked me about the injection, if I would inject him.

15 Q. He asked you to inject him?

A. Yes, and he spoke with Dr. Astaphan before about the stuff, and I was the person that Dr. Astaphan gave me this to him, like a courier.

20 Q. Oh, you gave the paper to Sokolowski; is that it?

A. No, I show him the paper. He looked on the paper. He bought the needles. But I was like a courier from Mr. Astaphan to Mike Sokolowski, because Sokolowski wanted the stuff. He told him all the others
25 are using something and he want to use the same.

5 A. And he spoke with Dr. Astaphan. I spoke first, I explained about Mike Sokolowski who knew Dr. Astaphan from a lot of years ago and, after that, he spoke with Dr. Astaphan and Dr. Astaphan told him that who have the stuff at the track and I don't remember if he gave me the bottles at the track and Mike Sokolowski was not there or he gave me the bottles with the prescription in downtown. I don't remember this.

10 And I told Mike Sokolowski that I have for you, what did you want it from Dr. Astaphan. You have to buy the needles. The size of the needles is that, that that, because everything was there.

15 And he asked me about that it will be possible to inject him. I told, okay, I -- and he told that he would appreciate when I would keep the stuff with my room, with my basement, because his wife would like to use the same.

 Q. All right. Let me see if I can get a couple of things clear in my mind at least.

20 I think you started out by saying that Sokolowski spoke to Dr. Astaphan and wanted to go on the same program as Charlie's other athletes?

 A. Yes.

25 Q. Right. And he then, Dr. Astaphan that is, gave to you a protocol for Sokolowski?

A. Yes.

Q. Which involved a mixture of inosine and vitamin B-12?

A. Yes.

5 Q. Also involved an injection of the milky white stuff ---

A. Yes.

Q. ---which you knew was the steroid?

A. Yes.

10 Q. And included apparently a direction to you to buy a certain size needle to inject into Sokolowski?

A. Yes.

15 Q. And the paper that had this protocol on it, what kind of information was on the paper? I take it, first of all, you don't today have that paper?

A. That every second day injection 1 cc of injection of inosine and vitamin B-12.

Q. Yes?

20 A. Were there is splitting. And every second day the -- the white stuff. And after a week or one and a half week, mix together half -- half cc the white stuff, 1 cc the red stuff.

25 THE COMMISSIONER: Then it would look pink, wouldn't it? It would then look pink?

THE WITNESS: But it was not clear. It was ---

THE COMMISSIONER: When you mix it together, it would become pink?

5 THE WITNESS: Yes, but it was not clear. It was heavy stuff.

THE COMMISSIONER: I see. For how long was this to be, how many weeks, do you remember?

10 THE WITNESS: I think that three weeks and I talked to Dr. Astaphan, that I make a mistake and I was using first the white stuff taking to the needle when I wanted to take the red stuff. The white stuff came to the red stuff and he told doesn't matter.

15 MR. ARMSTRONG:

Q. All right. Now...

A. Because Mike is not going to compete and it doesn't matter.

20 Q. All right. Now, how did you know that the substance that was inosine and vitamin B-12 was inosine and vitamin B-12?

A. I know -- it looks like the same as the athletes who told me that the red stuff is inosine with vitamin B-12 and probably Jamie told me that.

25 Q. Probably Dr. Astaphan told you that?

A. Probably Dr. Astaphan, he told me.
Maybe I ask, maybe I don't.

Q. All right. And wouldn't he probably
have told you, too, that the white stuff was Estragol or
5 some steroid? Sensible, isn't it?

A. It's very difficult to say -- to answer
you.

Q. There doesn't appear at this time at
least to be any secret between you and Dr. Astaphan?

10 A. Well, I never was discussing about
steroids with the athletes and about the steroids ----

THE COMMISSIONER: I think he already
admitted that he knew the white stuff was steroids.

MR. ARMSTRONG:

15 Q. No, he did.

A. Everybody was using, not the steroids,
all the time was white stuff.

THE COMMISSIONER: That was the steroid?

20 MR. ARMSTRONG:

Q. Yes?

A. And it was like a secret but everybody
knew that is -- they are a steroids. What kind, I don't
know, but they are the steroids.

25 Q. Well, when you say everybody, who do you

include in that besides Dr. Astaphan and Sokolowski and his wife? Does that include the other Mazda athletes?

A. I think, yes.

Q. All right. Then in the fall of ---

5

THE COMMISSIONER: What you're saying, I guess, is this group of athletes would refer to the -- would call it milky white stuff or stuff, would not use the word Estragol, is that what you mean?

10

You say everybody knew it was a steroid, isn't that what you said? All of them knew it was steroids? I'm just trying to ---

THE WITNESS: Yes, please?

(Interpreter translates)

15

THE COMMISSIONER: I'm just trying to understand. I'm not putting words in your mouth; I'm just trying to understand exactly what you said. You better repeat the question, Mr. ---

THE WITNESS: Yes, with my opinion, the athletes knew that it was a steroids.

20

THE COMMISSIONER: All right. That's what I thought you said. Thanks.

MR. ARMSTRONG:

25

Q. All right. Then, in the fall of 1987, when you went up -- you told us already that you would go

up to the Novotel and treat Mr. Pavone in his hotel room, right?

A. Yes.

5 Q. And you often that did that in the evening after you were finished your responsibilities at the training centre at York?

A. Yes.

10 Q. And I take it the reason probably for doing that, among other things, is that this was kind of an extra job on top of your regular CTFA job, is that it?

A. Yes, it was extra job and not with the -- I start to work before my hours and I finish after my working hours.

15 Q. All right. So, if you were getting Pavone ready for training you would go up to the hotel and treat him up there before ---

A. No.

Q. ---before you went to the track?

A. No, it was at the track.

20 Q. Oh, at the track?

A. I treat him at the track, yes.

Q. Oh, I see. But, before your regular hours, before you were involved with the other group?

A. Yes.

25 Q. Okay.

A. I pick him from the hotel to the track and I drop him to the hotel because he doesn't have a car, it was winter, and I wanted to help him with that.

5 Q. Now, did Sokolowski ever go with you when you went up to the hotel on Yonge Street, the Novotel Hotel, to treat Pavone?

A. Yes.

Q. And tell us about that then, please?

10 A. Sokolowski, he wants to talk with Mr. Pavone about training in Italy and about a job in Italy.

THE COMMISSIONER: Are -- you and Mr. Sokolowski good friends at that time, weren't you. You were friends with Sokolowski?

15 THE WITNESS: Friends, we shared the same apartment.

THE COMMISSIONER: Yes. Well, were you still friends?

20 THE WITNESS: You know, yes and not, because I -- he work -- I was working from morning to night and Saturday, Sunday, I was not there. And sometimes I saw him one a day; sometimes after every three, four days.

THE COMMISSIONER: I understand. Thank you.

MR. ARMSTRONG:

25 Q. Anyway, you were apartment mates, I

guess?

A. Yes, apartment mates, yes.

Q. And you were about to tell us that Sokolowski was looking for a job in Italy, is that what
5 you said?

A. Yes.

Q. Tell us about that?

A. He wants to talk about that with Pier-Francesco Pavone and I thought, okay, we go together
10 to the Novotel Hotel and you will get a chance talk about it.

And we were sitting in the recreation area in Novotel Hotel and we spoke about everything, about nothing. And what was the result if Pavone offered him a
15 job or not, I don't know, because it was between the two athletes -- the two athletes, yes.

Q. Now, Mr. Sokolowski has testified that on this occasion that he went up there with you that what happened was he asked you to give him an injection and you
20 said that -- or no, sorry, that he had asked you to give him a treatment or a massage of some kind?

A. Yes.

Q. And that you didn't have the time to do it then because you were going up to see Pavone and you
25 suggested that maybe he come along and take a swim and a

shower and then you could attend to him -- or swim and a sauna, I guess, and you could attend to him up there at the same time you were looking after Pavone?

5 A. Yes. Because for Pavone, it was part of the treatment, running in the sauna -- running and the swimming and taking the sauna, three times.

Q. Apparently you suggested to Sokolowski that it might be an advantage to him to also go into the swimming pool and have a sauna?

10 A. Yes.

Q. And that you could work on both of them after they had done that?

A. Yes.

Q. All right. So that happened, did it?

15 A. Yes.

Q. All right. Then Sokolowski says that before you went, he saw you take a syringe, a needle and draw down the vitamin B-12/inosine mixture into the syringe and then add to it from the bottle of milky white stuff some of the steroid and that, indeed, he was quite surprised at how much steroid was put into the syringe and asked you about it. Do you remember that?

20

A. No, is not true.

Q. And indeed, he said that he wondered why you were putting so much of the milky white stuff into

25

the syringe and you made some comment that it was in order to increase his muscle growth or words to that effect?

A. No.

Q. That's not so?

5

A. No.

Q. Just not true?

A. No.

10 THE COMMISSIONER: Well, did you give any injections to Mr. Pavone that night? Did you inject anything into Mr. Pavone? Did you take anything with you.

THE WITNESS: I was injecting with Mr. Pavone ---

15 THE COMMISSIONER: Did you take something from the apartment with you before you went to the Novotel Hotel.

THE WITNESS: In this day, I don't remember but I was giving him sometimes in his hotel, the injection, or at the track.

20 THE COMMISSIONER: Well, did Mr. Pavone have any of the so-called medication in his room or did you bring it to him?

THE WITNESS: No, I have this.

THE COMMISSIONER: You have this in your apartment?

25 THE WITNESS: I have this with my apartment.

THE COMMISSIONER: And in your apartment, you had the milky white stuff which you were giving to Sokolowski plus the inosine vitamin.

THE WITNESS: But it was not at the same time. With Mr. Sokolowski was -- it was after.

THE COMMISSIONER: Pardon? I don't understand.

THE WITNESS: It was after. It was not at the same time when Pavone were ---

THE COMMISSIONER: I'm not following you?

THE WITNESS: Okay. It was not the same time of the -- with Pavone and Sokolowski. It was....

THE COMMISSIONER: Well, Sokolowski is living with you when you're treating Pavone?

THE WITNESS: Yes, but when I was doing ---

THE COMMISSIONER: Also he testified it was at that time he was also getting the steroid from you?

THE WITNESS: Yes, but it was a different ---

THE COMMISSIONER: He went with you this night to Pavone and that you did take something with you to -- for Mr. Pavone, isn't that right? You took ---

THE WITNESS: Yes, but it was a different time with Pavone and Sokolowski. It was not at the same time. Jamie Astaphan gave me for Sokolowski the bottles

after, after Pavone.

THE COMMISSIONER: After Pavone had gone home?

THE WITNESS: Yes.

5 THE COMMISSIONER: I see. When did Pavone go home?

THE WITNESS: After the indoor track in Toronto. It was in the winter.

THE COMMISSIONER: February?

10 THE WITNESS: Probably, yes. It was only one track in Toronto.

BY MR. ARMSTRONG:

Q. Well ---

15 A. Track meet in Toronto.

Q. The track meet at Maple Leaf Gardens in the Toronto Sun Games.

A. Yes, the Toronto Sun, yes.

20 Q. We can check and see what date the Toronto Sun Games was. I think that was January in '88?

A. It was around January, yes.

Q. All right. In any event, the -- you said at one point you asked Pavone what vitamins he was taking?

25 A. Yes.

Q. And why did you ask him what vitamins he was taking?

A. For my curiosity. I wanted to know if it's something new. I didn't want to ask Jamie Astaphan because he's a professional and I'm professional with my side and I ask Pavone if it's something -- if it's something special or everything is the same as the athletes are using or is something special for him.

Q. And are -- does the prescription of vitamins or the recommendation of vitamins, is that something that falls within your area of professional expertise?

A. Only the minerals.

Q. I see.

A. I know a lot about minerals.

Q. So if somebody is low on calcium you might recommend some kind of calcium supplement?

A. Calcium, magnesium and potassium and so on.

THE COMMISSIONER: When you're giving your treatment, would you not have to know what -- whether people are on drugs or nothing? Would that effect your treatments?

THE WITNESS: Yes. I feel in the muscles when they was using ---

THE COMMISSIONER: Steroids?

THE WITNESS: ---steroids.

THE COMMISSIONER: You could tell by your manipulation whether they were using steroids?

5 THE WITNESS: Yes, and I feel with the muscle and in the limbs.

THE COMMISSIONER: So that an athlete, to get the best treatment, would have to tell you what he was taking?

10 THE WITNESS: No.

THE COMMISSIONER: Why would an athlete not tell you what he was on or why wouldn't you make certain that you knew yourself?

15 THE WITNESS: Okay. They told that -- I ask what are you using? They told me that they are using vitamins.

THE COMMISSIONER: No, but you told us earlier that you knew in this small group that they were taking steroids? You knew that?

20 THE WITNESS: And I told about this, Charlie Francis, is that everything with the muscle and with the limbs.

THE COMMISSIONER: But you knew that the athletes you were working with were taking steroids?

25 THE WITNESS: Yes.

THE COMMISSIONER: And you discussed that with Mr. Francis you said?

THE WITNESS: Yes, I told him few times, yes.

5 THE COMMISSIONER: You have to know that because otherwise you wouldn't be able to give efficient treatment?

THE WITNESS: Yes.

THE COMMISSIONER: All right.

10

MR. ARMSTRONG:

Q. Now, at -- when you asked Pavone what vitamins he was taking, did you make a list in your diary of the vitamins?

15

A. Yes.

Q. All right. And you have the original of your diary there?

THE COMMISSIONER: What date was that? Was there a date of the diary?

20

MR. ARMSTRONG: The date is written in as January 11, 1988 and I'll just hand up a -- if I can have a minute?

MR. ARMSTRONG:

25

Q. All right. I'm going to look at this

list. Have you got January 11, 1988?

A. Yes.

Q. And if we look there at -- above the date, the word -- is that vitamin or vitamins, is that a S
5 at the end of vitamins? What is that?

THE COMMISSIONER: Vitamins...

THE WITNESS: Vitamins, Francesco.

BY MR. ARMSTRONG:

10 Q. Vitamin, Francesco? Okay

A. Yes.

Q. So then, what is it you list here? Can
we just go over that?

A. Redoxan B, calcium.

15 Q. What's that first ---

A. Calcium.

Q. Calcium?

A. Yes. 100 millimetres -- milligrams.

Redoxan B.....

20 Q. Just a minute. It says calcium and
then S-A-N-D-O-T. What is that?

A. Is with Sandot, it's with vitamin C.

Q. And then it looks like it's a 1,000
milligrams?

25 A. A thousand. Sorry, a thousand

milligrams.

Q. Yes? All right.

A. And he took three times a day. Redoxan

B. Redoxan calcium.

5 Q. Redoxan B, is that a vitamin?

A. Yes, it's a B.

Q. That's one of the vitamin B family?

A. Yes.

Q. Okay. And then next one is what?

10 A. Redoxan calcium.

Q. All right. And that's -- is that a
vitamin? Forgive my ignorance here.

A. Yes.

Q. Then inosine?

15 A. Inosine.

Q. That's a vitamin, is it?

A. Inosine helps to change the oxygen in
the blood with vitamin B-12.

20 Q. All right. And then the -- what is
this word here, Carnitine?

A. Carnitine, yes.

Q. Yes. And is that a vitamin?

A. I don't know.

THE COMMISSIONER: Inosine?

25 THE WITNESS: I didn't check in the book

because I didn't have a book.

BY MR. ARMSTRONG:

Q. All right. And then what's the next
5 week?

A. Coenhn.

Q. That's C-O-E-N---?

A. C-O-E-N-H-N.

Q. And then there's a number there, nine,
10 ten, is it?

A. Q-10.

Q. Q-10?

A. Yes.

Q. What's that, 10 milligrams daily, is
15 that what that means?

A. Probably, yes.

Q. And the last entry.

THE COMMISSIONER: What is it, do you know.
What is it?

MR. ARMSTRONG:

Q. I'm sorry. What is that substance?

A. I don't know.

THE COMMISSIONER: Coenhn. And then Prgine.
25 What's the next one?

THE WITNESS: Prgine -- orthinine.

THE COMMISSIONER: Do you know what that is?

THE WITNESS: No.

5

BY MR. ARMSTRONG:

Q. Now, I take it what you're doing is --
you're up in his room and he has all these bottles of
pills?

A. Yes.

10

Q. In his room ---

A. Yes.

Q. Is that it?

A. Yes.

Q. And you just copied down ---

15

A. He copy me here. It was Pavone --
Pavone copy.

Q. I see. So what Pavone did, was he just
took the bottles of pills that were sitting in his room?

20

A. And he told me that he is using this
and he copy with this calendar and after I was copying to
my -- to another diary and I did it.

THE COMMISSIONER: They were all pills,
though, were they?

THE WITNESS: Yes.

25

THE COMMISSIONER: These are pills?

THE WITNESS: Yes. They were all pills,
yes. This '87.

MR. ARMSTRONG:

5 Q. This is your 1987 diary.

A. Yes, and I was copying with my diary
with 1988 to say with copy Pavone in '87. That is Pavone.
Is everything the same, yes.

10 Q. All right. So he just sat down
presumably and took the pills that he was taking and wrote
the names of it in your book and you transposed it into
your diary for 1988?

A. Yes.

15 Q. All right. And -- well, I'm sorry, I
guess I better just correct one thing. Is inosine, is
that in pill form or is that injectable form?

A. It was a pill and injection.

20 Q. All right. In any event, the list and
the -- that you've written down here and the inquiry that
you made of him simply was, 'Tell me, Francesco, what
vitamins you're taking.' He went to the pill bottles and
made a list, right?

A. Yes, yes.

Q. All right.

25 THE REGISTRAR: Exhibit 135?

THE COMMISSIONER: Thank you.

EXHIBIT NO. 135: Copy of Diary page for January 11, 1988

5 MR. ARMSTRONG: That might be a convenient
point, if it's all right for you.

THE COMMISSIONER: All right, fine. We'll
take our morning break now, please? Thanks.

10 ---Morning recess

15

20

25

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr.

Commissioner. Just for your assistance, Mr. Commissioner,
and, indeed, for Mr. Matuszewski's assistance, the date of
5 the Toronto Sun Games at Maple Leaf Gardens in 1988 was
January 29, 1988.

THE COMMISSIONER: Thank you. That's '88
you're speaking of?

MR. ARMSTRONG: That's right, yes. There
10 was no such track meet in 1989.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

Q. Then, Mr. Matuszewski, before leaving
15 Mr. Pavone, were there some discussions involving you, Dr.
Astaphan, Francisco Pavone and his father that would have
involved some kind of longer-term arrangement which would
not only take into account services to Francisco Pavone
but also to other Italian athletes?

20 A. Yes.

Q. Tell us about that, please?

A. The Italian offer me a contract, and
they wondered if I would stay in Italy, and Francisco's
father, he came four or five times to Toronto. He wanted
25 to discuss --

Q. Four or five times to Toronto?

A. Yes. During the time when
Pier-Francisco trained with Charlie's group and I make him
the treatments, and they offer me a contract and we
5 discussed about a contract, about a loan and about the
financial situation.

Q. And would this have involved your moving
to Italy and giving up your responsibilities for the
Canadian national team and the Canadian Track and Field
10 Association?

(Interpreter translates question; witness
answers)

A. Yes, yes, yes, of course.

Q. And I take it, since we know that you
15 stayed on in Canada and you're still here, that those
negotiations did not lead to an agreement or did they?
Did you reach an agreement with the Italian national team
to be one of their therapists?

(Interpreter translates question; witness
20 answers.)

A. No, no.

Q. And did these discussions also include
Dr. Astaphan providing his medical services to the Italian
national team?

25 A. Yes.

Q. And was he able to reach an agreement,
so far as you know?

A. I think that not. I stopped -- I
stopped work with Francisco Pavoni before the meet in
5 Toronto, and he works with him much longer.

Q. All right. Now, when you stopped
working with Pavone before the meet in Toronto, that's the
Toronto Sun Games --

A. Yes.

10 Q. -- in January 1988. Was that the end of
your negotiations so far as they related to joining the
Italian national team?

A. Yes.

Q. And what -- I'm sorry?

15 A. Yes.

Q. And what happened, Mr. Matuszewski, that
led to your stopping working with Pier-Francisco Pavone?

A. He was very angry with me.

Q. He was very --

20 A. Angry, angry.

Q. Angry with you?

A. Yes. He was very angry with me and he
told me that when I would be next time in Italy, I would
have a lot of problem with them, with the Italian people,
25 with mafia, and he snapped my face with that belt.

Q. Why was he angry with you?

A. He was angry with me because I didn't want to work with him any longer, and he also snapped, snapped my face with that belt, with his belt.

5 Q. And the reason you didn't want to work with him any longer was this was a few days before the Toronto Sun Games?

A. Yes.

10 Q. And I take it he had not lived up fully to the agreement --

A. Yes.

Q. -- to pay you the \$6,000 U.S.?

15 A. Yes, I told him that "It's the second month and I didn't find the money. I don't want to work with you anymore, and I don't want your money because you promised. Your father promised and you don't want to pay me." And before I asked them, "If you don't have the money, I will treat you for free." And Francisco Pavone's father, he told that they would pay because they had the money.

20

THE COMMISSIONER: You said if they didn't have the money, you would do it for free, but they promised you the money and they didn't pay you?

25 A. Yes, and I asked father, Francisco's father, and Francisco, I would treat for free because I

liked the guy and I helped him a lot in Italy. And in Monte Carlo, he was second after Ben, before the Canadian athletes, and Francisco Pavone's father, he told me they had the money and they would pay me the money.

5 THE COMMISSIONER: I understand.

MR. ARMSTRONG:

Q. Then I want to step you back, move you back to the fall of 1987 again, and, in particular, I
10 wanted to ask you some questions about a Polish hurdles coach by the name of Szczepanski who came to Toronto to provide a clinic at, I believe, York University, in the fall of 1987?

A. Yes.

15 Q. And I take it you recall his coming to Toronto at about that time to do a clinic for some Canadian athletes?

A. Yes.

20 Q. And during the time that he was here, did you have occasion to have him over to your place for supper or over to your place for a visit?

A. Yes. Mike Sokolowski wondered if I would invite the coach.

25 Q. And Mr. Sokolowski testified to the fact that he came over to your apartment when both you and he

were there and I believe George Manzea was there --

A. Yes.

Q. -- but apparently some discussion took place between you and the Polish coach with you speaking Polish in the presence of Sokolowski?

A. Yes.

Q. And was there some discussion that you recall between you and the Polish coach concerning the purchase of some steroids?

A. Yes.

Q. All right. Tell us about that, please.

A. Coach Szczepanski, he asked me if it was possible to buy one injection and one pills because he wanted to take to Poland. And I told him, "Of course, it will not be a problem."

Q. I'm sorry. Maybe the Commissioner got it, but I didn't. He asked you if it was possible to --

A. I told him that I would buy for him in the drug store.

Q. Yes?

A. And he gave me the names.

Q. Yes?

A. What he wants.

Q. All right. And what was it he wanted?

You made a record of it, did you?

A. Yes.

Q. He wanted Tenskon ampules and Anavar,
the pills.

5 Q. All right. Now, you are looking at an
entry in your diary for December 29th, 1987?

A. Yes.

Q. And there is a name and an address and a
telephone number?

A. Yes.

10 Q. And then a line and then there's a name,
and that's Mr. Szczepanski name there, I take it?

A. Yes.

15 Q. And then what appears below his name?
Can you just read that for us? I don't know. Is some of
that in Polish?

A. That's his address.

Q. That's his address?

A. Yes.

20 Q. And then below his address, what
appears? That looks like -- the first line is his name;
the second line his address. Is the third line, is that
also his address?

A. Yes.

25 Q. And then the fourth line looks like,
what's that, his telephone number?

A. No, he told he's not living in his apartment; he's living in some other apartment and he gave the girl's name, the girl's name where he's living now.

Q. I see.

5 A. And her phone number and his office phone number.

Q. I see.

A. Or her office phone number. I don't know. I don't remember.

10 Q. And then in the second last line of that entry, you've written down Tenskon, T-E-N-S-K-O-N?

A. Yes.

Q. AMP?

A. Yes.

15 Q. And then two, what?

A. Two ampules.

Q. Two ampules?

A. Yes, two ampules.

Q. What does the O.P. mean there?

20 A. AMP?

Q. Yes, it's AMP and then the number two.

THE COMMISSIONER: Twenty, is it?

A. No, he said two boxes of the -- two milligrams ampules.

25 Q. But then after the number or numeral

two, what is that --

A. OP.

Q. What does that mean?

A. OP is two boxes.

5 Q. Two boxes, okay.

A. Opakowanie.

THE COMMISSIONER: What is Tenskon? What is
that?

A. In Polish, it's Opakowanie.

10 THE INTERPRETER: Package.

THE COMMISSIONER: But what is Tenskon?

MR. ARMSTRONG:

Q. That's a drug, Tenskon, is it?

15 A. I never find in the medical book. I
know only the Anavar.

Q. I'm going to come to the Anavar in a
minute. Let's just stay with the Tenskon for a moment.
Did you get some Tenskon for the Polish coach, Mr.
20 Szczepanski?

A. No, I asked in the drug store, and they
had only big box, and he doesn't want as big as that.

THE COMMISSIONER: I'm sorry, I'm not
getting this. Perhaps the interpreter can help us here.

25

MR. ARMSTRONG: We're dealing with the
Tenskon --

THE COMMISSIONER: He said he went to the
drugstore.

5 MR. ARMSTRONG: -- and I asked if he was
able to get it at the drugstore.

MR. ARMSTRONG:

10 Q. And you were about to say, no, they only
had something or other.

A. No, they had the Tenskon but with very
big, a lot of, big --

Q. Why don't you try it in Polish and then
the interpreter --

15 A. Big package.

THE INTERPRETER: Big package.

MR. ARMSTRONG: You're pretty good in
Polish.

20 A. And he wants only two small packages of
that. He didn't want --

THE COMMISSIONER: What is Tenskon? Excuse
me, I don't know what it is yet. What is it?

MR. ARMSTRONG:

25 Q. Do you know what it is?

A. No. I know that it's also one part of anabolic steroids, but what kind I don't know.

THE COMMISSIONER: Don't you need a prescription? Don't you need a prescription for anabolic
5 steroids?

A. Yes, they wanted a prescription. I told them I was there with Mr. Szczepanski and I told that he's from Poland and he's going to Poland and he'll be only two days, and I --

10 THE COMMISSIONER: So you were going to buy it without --

A. It would not be possible to --

THE COMMISSIONER: You were going to buy it without a prescription?

15 (Interpreter translates question; witness answers)

A. I bought Anavar without prescription in the drugstore.

20 THE COMMISSIONER: But Tenskon was some kind of steroid?

A. And Anavar is the same.

THE COMMISSIONER: Anavar is a steroid as well?

A. Yes.

25 THE COMMISSIONER: And you went in and

bought it without a prescription?

A. Yes.

THE COMMISSIONER: Where did you buy it?

A. In Toronto.

5 THE COMMISSIONER: Wherabouts, though?

Where?

10 A. You know, it's difficult to tell you directly what drugstore because I went to maybe twenty, thirty drugstores across Toronto. And I find it in one place.

THE COMMISSIONER: Well, the Tenskon you could have bought, but it was too big a package.

15 A. Yes, and he doesn't want it big like that. He wants only two small packages, and they don't want to give him only two because everybody are buying the big. And I didn't buy this.

THE COMMISSIONER: Would he have trouble taking a big package back to Poland; is that the trouble?

A. No, because he doesn't want it, a lot.

20 THE COMMISSIONER: And Anavar, how much Anavar did you buy?

A. One, one bottle.

THE COMMISSIONER: One bottle.

A. It was probably 100 --

25 THE COMMISSIONER: Tablets?

A. Tablets, yes.

MR. ARMSTRONG:

5 Q. And you have written down 100 and then
the words following or the letters following, what are
they? Is that a Polish word?

A. Pardon me?

Q. Is that a Polish short form there?

A. Yes.

10 Q. What is it?

THE INTERPRETER: It says pieces.

A. 100 pieces.

Q. So that would be the same as 100
tablets, then?

15 A. 100 tablets, yes.

Q. And you were able to get the Anavar
then? Although you knew you required a prescription for
it, you were able to persuade the druggist to give it to
you because this man was taking it back to Poland; is that
20 it?

A. Yes but I didn't buy it at this time,
particular time. I bought this after. First I asked -- I
bought this after, and I mailed to him.

Q. I see. I thought you had the Polish
25 coach, Szczepanski, in the drugstore with you?

A. Yes, but they didn't have the Anavar; they have only Tenskon and with the big pack and he doesn't want it. And I told him that "I will buy you after a smaller piece and I'll mail you." And I bought
5 only the Anavar, and I mail it to him.

THE COMMISSIONER: I see.

MR. ARMSTRONG:

Q. All right. And as the Commissioner
10 commented when this evidence was first mentioned by Mr. Sokolowski, we do know from evidence that we've heard that steroids are available in Poland. I take it that this was a particular kind of steroid that he couldn't get in Poland or was cheaper to get in Canada? Is that the
15 reason for getting it here?

A. I don't think that it's cheaper out of Poland because the dollars are very expensive in Poland. What I paid for that, because I sent him one time, I pay with my wallet and it was \$15. It will be maybe his
20 monthly salary, and I don't think that here it's cheaper. Probably in Poland it's cheaper. But maybe it's a problem to buy in Poland.

Q. Well, then, I was just assuming then that probably since he was asking you to get it for him in
25 Toronto, then there had to be some reason, and it was

probably because he couldn't get it in Poland then?

A. Yes.

Q. That kind of steroid?

A. Yes, yes.

5 THE COMMISSIONER: You don't remember what drugstore it is, though you went back a second time?

A. I don't remember where is the drugstore when I bought the Anavar because I was with a lot of -- I was in Niagara Falls asking about drugstores, medicaments,
10 and I was in a lot of stores in --

THE COMMISSIONER: How much is 100 bottles then -- how much were the pills? How much did you have to pay for them?

A. I paid 15, \$18.

15 THE COMMISSIONER: I see. Thank you.

MR. ARMSTRONG:

Q. Have you ever bought steroids before?

A. No.

20 Q. That's the only time in your life you bought steroids?

A. Yes.

Q. And you don't know where you bought this stuff?

25 A. It was -- I was driving by car here.

You know, it wasn't important for me.

MR. ARMSTRONG: Mr. Commissioner, can we have this marked as the next exhibit, please?

THE COMMISSIONER: Yes.

5

-- Exhibit 136, W. Matuszewski's diary sheet for December 29, 1987 --

MR. ARMSTRONG:

10

Q. Then, Mr. Matuszewski, going back to Angella Issajenko, I don't want to cover the same ground again. You told us what you believed you injected her with on June the 22nd, 1986. At any other time did you provide injections to Angella Issajenko?

15

A. Yes.

Q. And about how many times would you have injected Angella Issajenko with any drug and over what period?

20

A. About five times during all of the years, from since when I started to work.

25

Q. All right. Well, she had her baby in, I believe it was, September of 1985, so presumably, and she says, she began to train again in early January 1986. So I take it that from sometime in January of '86 through to 1988 and before Seoul, there would have been about five

times?

A. It was that -- yes. The last time before Seoul, she never asked me about injections. She was asking me a few times in 1987, maybe one time in '88 in wintertime.

Q. All right. And the times that you injected her, other than June in Ottawa, 1986, what did you inject her with?

A. I don't remember if I injected her at the time, particular time.

Q. Okay. Agreeably, then, but leaving that aside, the five times approximately that you injected her, with what did you inject her?

A. With inosine and Vitamin B-12. She gave me the bottle.

THE COMMISSIONER: She's told us that it was a steroid and that it was important for you to know because you've told us that that affects your work with the athletes. Why would she not tell you? She said you had to know because it was important for you to know what she was taking because that would influence your treatment.

A. Yes. I told -- I never spoke with the athletes about the steroids and anything --

THE COMMISSIONER: I don't understand why



Government
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MEMORANDUM

NOTE DE SERVICE

TO
A



Whom It May Concern

FROM
DE

Clifford Collier

SECURITY - CLASSIFICATION - DE SÉCURITÉ

CONFIDENTIAL

OUR FILE/NOTRE RÉFÉRENCE

YOUR FILE/VOTRE RÉFÉRENCE

DATE

June 22, 1989

SUBJECT
OBJET

Correction to Volume 39 - April 24, 1989, page 6833

The following line was not printed in the transcript (i.e., line 26). Please make the adjustments to your copy of the transcript.

Missing Line: "Steroids you were injecting, even though you didn't discuss".



she wouldn't tell you. She says she told you because you had to know what she was taking. You told us yourself that you should know these things because that's how you're going to treat your athletes. If they're on
5 steroids, you have to know that.

A. It was an agreement between Charlie and me that when I would see something, he is my boss and I have to talk to him about that, not with the athletes, and I never spoke with the athletes.

10 THE COMMISSIONER: But you told us earlier you knew the athletes were on steroids?

A. Pardon me?

THE COMMISSIONER: You told us this morning that you knew they were on steroids?

15 A. Yes.

THE COMMISSIONER: Because you could tell that by your work?

A. Yes.

20 THE COMMISSIONER: So you discussed that with Mr. Francis, did you?

A. Yes, I discussed it with Mr. Francis. I told him that -- I told him, directed that "You gave too much and everything is with the muscles or with the limbs."

25 THE COMMISSIONER: So you knew it was a

STEROIDS You were INSPECTING EVEN THOUGH
You didn't DISCUSS

it?

A. Yes.

MR. CZUMA: I wonder if that question could

be asked through the interpreter?

THE COMMISSIONER: Sure. I asked him if he

knew it was a steroid, even though he didn't discuss it

with the athletes.

(Interpreter translates question)

THE INTERPRETER: Yes, I presumed.

THE COMMISSIONER: All right. Thank you.

MR. ARMSTRONG:

Q. All right. Then --

MR. SOSNOWSKI: If I may, excuse me, Mr.

Commissioner. I understand that your first question was

somehow differently worded, and it said --

THE COMMISSIONER: I don't think so.

MR. SOSNOWSKI: It said, in your words, it

was like "When you were injecting those substances into

athletes, then you knew it was steroids?"

THE COMMISSIONER: Even though he didn't

discuss it with the athletes. He said that, Mr.

Sosnowski.

MR. SOSNOWSKI: But the essence of the

question is that he was injecting. Can we go once again?

THE COMMISSIONER: I think we've covered it. You can cover it again later if you'd like. I think we've covered it twice now.

Carry on, Mr. Armstrong.

5

MR. ARMSTRONG:

Q. Then, Mr. Matuszewski, apart from

Angella Issajenko, Sokolowski, who we've already

discussed, Pavone, who we've already discussed, what other athletes in the group did you from time to time inject

10

with a drug?

A. It was not the drug; it was the inosine.

I inject Ben in '88 at the track, the same stuff, but very darker stuff, the inosine, and doctors were smiling that

15

he's much stronger than Mark McKoy and Desai Williams.

They was also using the inosine with Vitamin B-12. I

inject the athletes. Sometimes, not all the time,

sometimes when they asked me at the track with my

room --

20

THE COMMISSIONER: Would they supply the

drug to you? They would bring it with them, would they?

A. Yes, they gave me -- they was looking --

they told me "1-cc, please," and they take it immediately.

25

MR. ARMSTRONG:

Q. All right. And would you -- when Mark McKoy and Desai Williams would come, did they come together?

A. Yes.

5

Q. Did they have the same bottle?

A. The same bottle, yes.

Q. And who provided the syringe, the needle?

A. Sometimes yes, sometimes they give me.

10

But --

Q. When you say sometimes yes, do you mean sometimes you provided the needle; sometimes they gave you the needle?

15

A. Sometimes they give me the needles and they give me money to buy for them the needles.

Q. All right. And when they came, did they have one bottle or two bottles with them?

A. No, one bottle. It was bottle for the two athletes.

20

Q. All right. And how many times did you inject McKoy and Williams?

25

A. Sometimes one times a week, sometimes nothing, sometimes twice a week or three times a week.

Q. And when was this?

A. At the track.

5 Q. I know that's where. Where -- okay, but when? We know for example, that McKoy -- just a minute now, maybe I will be able to help you.

McKoy and Williams came back to the Scarborough group in the fall of 1987 and stayed with the
10 group through the Olympics in 1988. So, did you inject either one of them in the fall of 1987?

A. No, it was in 1988.

Q. All right. And that seems to conform with the evidence because they said that in the fall of
15 1987, Charlie Francis injected them?

A. No, it was '88.

Q. Now, let me take to you 1988 then. We've heard some evidence here that in late February 1988, the drugs and, particularly the milky white stuff, were
20 taken out of Angella -- taken out of Charlie Francis' apartment and some of it was sent to Angella Issajenko's apartment but McKoy and Desai Williams, they each got their own bottle of milky white stuff?

A. I don't know about that. I know only
25 about the red stuff.

Q. And they also got their own bottle of the inosine/vitamin B-12 mixture?

A. Yes.

5 Q. And when they came to you for their shots, would they come with the syringe already mixed or would they come with the bottle and then you would mix the -- put the substance in the syringe?

A. No, it was only the red stuff.

10 Q. Perhaps you're not understanding my question completely.

A. I didn't mix the stuff.

Q. All right.

A. They gave me only one bottle and they asked me, please, give me 1 cc.

15 Q. I see. And what did this stuff look like compared to the dark red stuff you gave to Ben?

A. It was the same but pinky colour. It's not as dark as another, but it's dark.

20 Q. And -- all right. And are you sure that on the bottom of the vial there was not some milky white stuff and on the top layer there would be a sort of clear type liquid with some pink tinge to it. Ever see them with anything like that?

25 A. No, because they was giving me the two -- they took from the suitcase and it was

everything...

Q. Mixed up?

A. ...mixed up.

THE COMMISSIONER: They had already mixed it
5 up?

THE WITNESS: Yes, yes.

MR. ARMSTRONG:

Q. All right. So in any event, it was a
10 pink coloured substance compared to the dark red substance
that Ben Johnson seemed to have?

A. Yes.

Q. And did you provide these injections to
McKoy and Williams during this spring training period
15 prior to their going over to Europe for the various meets
in Spain and Italy and so on?

A. Yes, it was that time.

Q. All right. And then what other
athletes were also involved in these injections?

A. Two or three times, Katie Anderson.
20

Q. Katie Anderson?

A. With the red stuff. And for Katie
Anderson, Mr. Jamie Astaphan gave the inosine with vitamin
B-12.

Q. All right. For Katie Anderson who gave
25

her the inosine and vitamin B-12?

A. Dr. Jamie Astaphan.

Q. I see.

A. And I have the inosine with my
5 apartment, not Katie.

Q. I see.

A. He gave me.

Q. He gave you the inosine for her?

A. Yes, yes, and I injected her three
10 times; two or three times.

Q. All right. Then anybody else?

A. Ben Johnson, Mark McKoy and Angella
Issajenko, Desai Williams -- I don't remember with Molly
Killinbeck, what I gave her or not, and Katie Anderson.

15 Q. All right. Okay, then ---

A. I'm talking about Charlie's athletes
because I'm not talking about Mike Sokolowski because he
was not, and Pier-Francesco Pavone because he was not with
Charlie.

20 Q. All right. Well, not to be faced with
a lost opportunity here, was there anybody else other than
Charlie's athletes ---

A. No.

Q. ---Pavone ---

25 A. No.

Q. --and Sokolowski ---

A. No.

Q. ---that you were involved in ---

A. No, no.

5 Q. ---in giving injections of anything ---

A. No.

Q. ---to?

A. No.

10 MR. ARMSTRONG: Can I just have your
indulgence.

MR. ARMSTRONG:

15 Q. Then, Mr. Matuszewski, I take it that
you became aware that Ben Johnson was injured at an indoor
meet towards the end of February, in Germany, in 1988?
Pulled his hamstring?

A. Yes.

Q. In February 1988?

A. Yes.

20 Q. Ben Johnson?

A. It was not pulled hamstring, it was a
cramp; cramp hamstring.

Q. I see. And then were you in -- were
you over for the indoor season ---

25 A. Yes.

Q. ---in Europe, there at time?

A. Yes.

Q. So, were you involved in the treatment
of Ben Johnson in regard to the hamstring injury that had
5 occurred in February?

A. Yes, yes.

Q. All right. Then you obviously must
have been aware that he was planning on running in a meet
in Tokyo on May the 13th, 1988?

10 A. Yes.

Q. And were you involved in getting him
ready to run in that meet in Tokyo?

A. Yes.

Q. We know that you didn't go to Tokyo.
15 He went with---

A. Charlie Francis.

Q. Charlie Francis and Larry Heidebrecht,
I guess, did he?

A. Yes.

Q. Did you have any particular opinion as
20 to whether Ben should compete in that meet in Tokyo?

A. Yes.

Q. What was that?

A. I told Charlie that for him it's very
25 important, good treatment before competition especially

after long time in sitting position in plane. And Charlie told me that he knows everything, what is important and he told me that he will make him a treatment -- he will loose his muscles and I knew that Ben ask somebody in Tokyo to
5 make him massage and acupuncture treatment before race.

Somebody told him that after acupuncture treatment he will be faster and he took acupuncture treatment.

Q. In any event, you didn't -- although
10 you thought that perhaps you should go to Tokyo, the decision was made for you not to go to Tokyo, I take it?

A. Yes.

Q. And you obvious you became aware of the fact that he suffered another injury to his hamstring
15 muscle and pulled up lame in the race in Tokyo on May the 13th?

A. Yes.

Q. And did you become aware of the initial plan to have Ben Johnson go back to Toronto, then to Spain
20 and to be present with you, Charlie Francis and the team in Spain where he would be under your treatment plus the additional treatment of Dr. Astaphan in Spain?

That's a mouthful. I'm sorry....

THE COMMISSIONER: Well, there was
25 discussion about that. I think the question might be a

little confusing.

MR. ARMSTRONG: No, I'd like ---

THE COMMISSIONER: That's a long question.

MR. ARMSTRONG: I'll start again.

5

BY MR. ARMSTRONG:

Q. It's only mildly convoluted?

A. Yes, I understand. After the Tokyo, he came to Toronto and was big discussion between Charlie, Ben and me. Charlie pushing him to go to Europe and he doesn't want it. He wanted if I would make him a treatment in Toronto. He doesn't want to go to Europe.

Charlie push him that I have all my group and Waldemar is not working only with you, he's all the group, and you have to go to Europe together with the group.

And it was between the two gentlemen, it was a fight, a big fight. Charlie was very angry and next day, I checked Ben, he check his injury. It was a cramp, probably he took the cramp in Tokyo. He never pulled a muscle, it was a cramp of the muscle, and he stretched the muscles a little bit. And it was pretty, pretty painful. Very painful.

And we, all the athletes, all the group, who have the tickets we came to Europe and Ben want to go to

25

St. Kitts.

Q. All right.

A. To Dr. Astaphan.

THE COMMISSIONER: Then you went to Europe,
5 I think, didn't you?

THE WITNESS: Yes, yes. And I went to
Europe.

MR. ARMSTRONG:

10 Q. All right. Now, eventually we know
that after quite a period of time that Ben Johnson showed
up in Padova, in Italy?

A. Yes.

Q. And I take it you were in Padova?

15 A. Yes.

Q. And you recall that he showed up with
Dr. Astaphan?

A. Yes.

20 Q. And did you become aware that Ben
Johnson and Charlie Francis had gotten together and had
what seems to have been a complete falling out, at that
stage, a fight, at that that stage in which it was
determined that Charlie Francis would no longer coach Ben
Johnson?

25 A. Yes.

Q. Now, after that occurred, did you have some discussion with Dr. Astaphan about the future course of management, coaching and training of Ben Johnson?

A. Yes.

5 Q. Tell us about that, please?

A. It was in Padova, in Italy, I want to check the -- have a study on Ben's muscles. I told Charlie -- it was Ben, Charlie and Jamie and I told that the injury is not very big and I ask Jamie Astaphan why
10 you didn't make the myograph of the muscles, it's electric system -- it's like computerized system to make looking for the muscle, like X-ray, and he told that all the work will now -- how it was -- how big injury it was. And he can't ---

15 Q. Let me just stop you there?

A. He cut completely the discussion and after -- after he promised, he start to talk with me only with me, about the final shot -- final shot situation and if I was stopped work with --

20 Q. Okay, just before we get to this. Let me see if -- stop you there. You've indicated that in this discussion with Francis and Astaphan, you indicated that you didn't think it was a very big or serious injury, is that correct?

25 A. Yes.

Q. But you asked Dr. Astaphan why it was that he had not done a myographic ---

A. Yes.

Q. ---study of the muscle which is some
5 kind of computer X-ray?

A. Yes.

Q. That apparently you can do of a muscle?

A. Yes.

Q. Is it? And what was Astaphan's
10 response to that? Did he think there was -- did he provide some reason for not doing it?

(Interpreter translates question; witness answers)

A. Because he told that everybody we knew
15 how big danger and that danger is for one finger.

THE COMMISSIONER: I'm sorry, I didn't get that?

MR. ARMSTRONG:

Q. I didn't get it either. I didn't
20 understand.

A. He told that is big injury and when
will be myography after they will publish everywhere that
is very big injury and it will not it would not be good
25 for Ben's advertisements.

Q. I see. Got that?

THE COMMISSIONER: Yes.

MR. ARMSTRONG:

5 Q. Okay. Then, Mr. Matuszewski, you then
said -- the meeting then broke up, did it, as between you
and Francis and Astaphan, and you and Astaphan continued
your own discussion?

A. Yes.

10 Q. Then tell us about that, please?

A. He told that it will be the best when I
stop work with the Canadian -- all the Canadian team and I
work only with Ben and Jamie.

Q. Yes?

15 A. And I will be his personal -- he will
be his personal physician and maybe a coach and ---

Q. That is Dr. Astaphan would be Ben's
personal physician and coach?

20 A. Yes, for the beginning and I will
prepare his muscle for the competition and for training.
And he offer me -- he offer me money for that.

Q. All right. And how much money was
offered to you for that?

25 A. It was \$10,000 and \$250,000 after the
Olympic game, plus five per cent from everything together

with the advertisements.

Q. Okay. Well, you were then -- in Padova, the evidence is, I think, that Ben Johnson arrived on June the 9th, 1988 and that your group, that is the Francis group, arrived, I think, the next day on June the 10th, I don't know.

Do you have a note in your diary as to when this meeting took place with Dr. Astaphan, the proposal that he made? I may be out one or two days?

10 A. It was 9th of June.

Q. June the 9th?

A. Yes.

Q. All right. So I was out a day or so. Then the proposal is that you would what, get \$10,000 at that time?

15 A. Yes. For them it was \$10,000; for me, \$5,000, plus \$250,000 plus five per cent after the Olympic game and five per cent from all the advertisements, his advertisements.

20 Q. So, whatever the endorsement contracts provided, or as you call it, the advertising contracts, you would get five per cent of ---

A. Yes.

25 Q. ---of whatever the income was from that those contracts?

A. Yes, yes -- yes.

Q. And \$250,000 after the Olympic Games?

A. Yes.

Q. Was that only if he won the gold medal?

5 A. Yes.

Q. What would he get if he had not won the gold medal?

A. I would have only the monthly money.

Q. Sorry?

10 A. I would only have the monthly money.

Q. Only the monthly money. And was ---

THE COMMISSIONER: Was the \$10,000 -- was it \$10,000 is a month, is that what you're....

THE WITNESS: For Jamie Astaphan, \$10,000.

15 For me, \$5,000 a month, American dollars, plus all expenses.

THE COMMISSIONER: Well, \$10,000 plus \$5,000 a month, have I got it now?

THE WITNESS: For me, \$5,000.

20 MR. ARMSTRONG: So \$10,000 for Dr. Astaphan?

THE WITNESS: Yes.

THE COMMISSIONER: I'm sorry, I missed that.

MR. ARMSTRONG:

25 Q. Okay. So it was \$10,000 a month for

Dr. Astaphan, \$5,000 a month for you.

A. Yes.

Q. Both in American funds, I take it?

U.S. dollars?

5 A. Yes. Plus all expenses.

Q. Plus all expenses? So that would
cover ---

A. Travelling, hotels, food, everything.

10 Q. And then if he won the gold medal, you
would get \$250,000 American plus ---

A. American.

Q. ---five per cent of the endorsement
contract revenue?

A. Yes.

15 Q. What was Astaphan going to get if he
won the gold medal?

A. He told me that it would be the same.

Q. So he would get \$250,000 plus five per
cent of the endorsement fund?

20 A. Yes.

Q. And was Ben Johnson any part of this
discussion or was this just between you and Astaphan at
that point?

25 A. It was between me and Astaphan. And I
told ---

THE COMMISSIONER: Go ahead?

THE WITNESS: I told that it's your opinion
and I didn't have time to talk with Ben and I told,
"Prepare the contract and after we'll start to talk about
5 it." And I talked everything to Larry and Charlie, what
is happened ---

MR. ARMSTRONG:

Q. Yes?

10 A. ---with this. And I told Larry and
Charlie, is something wrong with the group, it would be
better to sit together in Padova; Larry, Jamie, Ben,
Charlie and myself, and start to talk where is the
problem. Why Ben doesn't want to work with you anymore?
15 What is the problem? And Charlie was very ambitious and
he doesn't want it.

Q. Very ambitious?

A. Yes, and he doesn't want it, to arrange
the meeting, and I spent hours after hours with Larry and
20 we discussed about that, what kind of offer they gave me.

THE COMMISSIONER: But Charlie Francis
didn't want to have the meeting, is that what you're
saying? I didn't quite understand it. You tried to get
them together?

25 THE WITNESS: Charlie Francis, yes. I

wanted the meeting together and Charlie Francis, he doesn't want it. He told that later or earlier, Ben would want, if you will be his coach again and he was very ambitious and he doesn't want to talk with everybody.

5 MR. ARMSTRONG: I'm not so sure the word isn't proud. Maybe -- can we try that in Polish?

THE WITNESS: Ambitious -- ambitne.....

THE COMMISSIONER: Should be proud, I guess.

10 THE INTERPRETER: Mr. Commissioner, ambitne means ambitious. So, if he wants to say that he was ambitious, that's the correct word.

THE COMMISSIONER: Okay. Thank you.

15 THE WITNESS: Ambitious is somebody -- if you are very ambitious you want to be the best with your work, you want to be the best like -- what are you doing.

MR. ARMSTRONG:

20 Q. Yes. And Charlie Francis wanted to be the best at what he was doing and he didn't want to arrange the meeting?

A. He doesn't want to arrange the meeting, yes.

THE COMMISSIONER: He wanted Mr. Johnson to come to him, is that what you're saying?

25 THE WITNESS: Yes.

THE COMMISSIONER: I see.

THE WITNESS: He wanted Mr. Johnson to come to him, not he to come to Mr. Johnson.

THE COMMISSIONER: Not him to go to Mr.
5 Johnson?

THE WITNESS: Yes.

THE COMMISSIONER: I see.

MR. ARMSTRONG:

10 Q. All right. So, what happened so far as the proposition that was put to you by Dr. Astaphan? What happened to that deal that was proposed?

A. It was nothing. I told him, prepare the contract and we'll start to talk about it and I never
15 find the contract.

Q. All right. Then, we know that Dr. Astaphan and Ben Johnson left Padova and eventually returned to St. Kitts. We know your group stayed in Europe and returned to Toronto around the end of June?

20 A. Yes.

Q. And did you return to Toronto or did you go back home to Ottawa?

A. For a day to Ottawa and immediately to Toronto. I unpack and I came to Toronto the next day.

25 Q. And that would be the end of June,

early July, I take it. What -- did you then become involved with the preparation and training leading up to the Olympic trials, the nationals in Ottawa for -- that were scheduled for the first weekend in August? Following me?

A. Again, please?

Q. All right.

A. I'm sorry.

Q. Well ---

10 THE COMMISSIONER: When you came back from Europe, then you had to get ready for the trials, the Olympic trials, and the nationals in -- held in Ottawa? Mr. Johnson had a run in -- the whole team did, I guess, in Ottawa? What was that, it was August? No, no -- was it June?

MR. ARMSTRONG: No, no. In '88, it was August the 5th and 6th.

THE COMMISSIONER: August -- yes, I thought August is the -- August of '88. Before the Olympic ---

20 THE WITNESS: Yes, it was the national.

THE COMMISSIONER: Yes.

MR. ARMSTRONG:

Q. All right. Were you involved in your usual work prior to the nationals in Ottawa?

25

A. Yes.

Q. Doing the various treatments to assist the athletes in training?

A. Yes.

5 Q. And that ---

A. All the Canadian team.

THE COMMISSIONER: Yes.

MR. ARMSTRONG:

10 Q. All right. And we know that in this period, in early July, there was a reconciliation -- are you following me, a reconciliation, a getting together?

(Interpreter translates word; witness answers)

15 A. Yes.

THE COMMISSIONER: Well, Mr. Earl ---

MR. ARMSTRONG:

Q. Between Francis and Ben Johnson?

20 A. Yes.

Q. Did you become aware of that?

A. Yes, but still it was not as before.

Q. Why was it not as before?

25 A. It's very difficult to give the answer but before, Charlie and Ben, they was much closer and at

that time Ben was sometimes -- sometimes he ignore it,
Charlie.

THE COMMISSIONER: He ignored Charlie---

THE WITNESS: Yes.

5 THE COMMISSIONER: He ignored Charlie, is
what you're saying?

MR. ARMSTRONG:

10 Q. Now, when Ben was around the track in
July of 1988, was Dr. Astaphan around?

A. Yes.

Q. And how often would Dr. Astaphan be
around?

A. Every day.

15 Q. All right. And was that unusual?

A. No.

Q. That -- so when Dr. -- when Ben had
trained before, Dr. Astaphan was often there at the track
with him?

20 A. No. Before I saw him maybe two, three
times a year at the track for few minutes, maybe he was
hour, maybe something like that and he go.

25 THE COMMISSIONER: So it wasn't usual -- Mr.
Armstrong said, this was not usual for Dr. Astaphan to be
there every day?

THE WITNESS: No.

THE COMMISSIONER: He was on this occasion?

THE WITNESS: Yes.

THE COMMISSIONER: He was then?

5 THE WITNESS: Yes.

BY MR. ARMSTRONG:

10 Q. All right. And when Ben would be there training, Dr. Astaphan would be there by the track all the time?

A. Yes.

Q. Then -- and did you, during the month of July, did you work with Ben -- Ben Johnson?

A. Yes -- yes, I do, yes.

15 Q. All right. And then I want to take you to the nationals in Ottawa and you, again as usual, were at the nationals providing your services to the members of the national team?

A. Yes.

20 THE COMMISSIONER: This is August of '88 now?

THE WITNESS: Yes.

MR. ARMSTRONG:

25 Q. And did you meet somebody called Jack

Scott at the nationals in Ottawa?

A. Yes.

Q. Tell us about that? How did you meet him?

5 A. I meet him in Ben hotel, in Ottawa, and he wants a treatment in his hotel, with his room. I came there, I making him -- treat Ben and at a same time, came Jack Scott to make him a treatment with the -- myomatic ---

10 THE COMMISSIONER: Machine.

THE WITNESS: Physiotherapy machine.

MR. ARMSTRONG:

15 Q. And that was the first time that you had met ---

A. No.

Q. ---Jack Scott?

A. No, it was not first time. It was the second time. First time I met him in Rome.

20 Q. Yes?

A. In Rome in '87.

Q. All right.

A. But, we ---

25 Q. Did he treat some of the Canadian athletes in Rome in 1987?

A. Yes, all the athletes -- a lot of athletes, yes.

Q. But including some Canadian athletes?

A. Sorry, I make mistake. He treat also
5 the Canadian athletes and his assistant. I don't remember his name. They wondered if the myomatic machine, it would be very popular with the sport group.

Q. All right. Then when you were in Ottawa, were you requested by Jack Scott to -- sorry, not
10 by Jack Scott but by Ross Earl, to sign a document?

A. Yes.

MR. ARMSTRONG: Can I just have your indulgence? I think it's Exhibit 134? It was marked as an exhibit last day.

15 THE COMMISSIONER: There was a series of documents. What number is that?

MR. ARMSTRONG: Sorry, it's Exhibit 133.

THE COMMISSIONER: Yes, there were a series of them. I know the letter.

20

MR. ARMSTRONG:

Q. I'm showing you a copy of -- I'm showing you Exhibit 133 and, first of all, is that your signature that appears on the document?

25

A. Yes.

Q. And do you remember signing it?

A. Yes, it was at national.

Q. And why -- can you just, in your own words, tell the Commissioner how it came about that Ross Earl asked you to sign this document?

A. He wants if -- he gave me the \$18,750 cash and a cheque and he wants, if I sign the document, that he gave me the money and I'll sign the documents is that I have my job and I have to prepare only the athletes and nothing more and when somebody will ask me about what happened to the athletes, it's not possible to give the answers.

Q. I see. So, in other words, you weren't supposed to speak to the press, is that it?

A. The press or with another people like the coaches or athletes or something like that.

Q. And it -- if I could just read with you the last few lines, it says in this document, "I realize that in --" why don't you read it yourself and I'll read it with you. I'll move back.

"I realize that in working as closely as I do with these athletes that I may, from time-to-time, be privy to private and confidential information which will be treated as such with respect to my clients

and their unique position in the world.

My actions are within the IAAF rules
and I will not claim otherwise in the
future."

5 Now, did you understand that some at least
of the confidential information that is referred to there
would be the fact that some of these athletes may be
taking steroids?

A. Yes, with all the sequences like that.

10 Q. Sorry?

A. With all the sequences like that.

THE COMMISSIONER: I didn't get the answer?

MR. ARMSTRONG:

15 Q. All the?

A. All the sequences like that, that I
know about that they are using the steroids and they was
afraid that I would say something.

20 Q. So you understood these last few lines
to mean that you should keep confidential ---

A. Yes.

Q. ---the fact that this group of athletes
were using steroids?

A. Yes.

25 Q. Now, the document provides for a

payment to you, at that time, of \$18,750 U.S. for services to club athletes for the first three-quarters of 1988.

And from what you've told me a moment ago, you received that in cash at the track from Mr. Ross Earl?

5 A. Yes. But, the money was not to the services in 1988, it was from the beginning.

THE COMMISSIONER: Yes.

BY MR. ARMSTRONG:

10 Q. From 1985?

A. From 1985, yes. Because Charlie, he offer -- he promised me money before and he never gave me and it was -- he gave me together in 1988.

15 Q. All right. And then you were to get an additional sum, after the Olympic Games, of \$6,250 U.S?

A. Yes, 15th of October, a cheque.

20 Q. I don't think anything turns on it but we have the -- a photocopy of the cheque here and we might as well complete the records. One never knows. At some point, it might be useful to have it on the record, Mr. Commissioner. If we could just do this before lunch?

THE COMMISSIONER: Thank you. Thank you.

MR. ARMSTRONG:

25 Q. All right. Then you and your counsel

have provided us with a photocopy of the cheque and it's drawn on an account at the Bank of Nova Scotia and on it, at the top appears, the name Scarborough Optomist Track and Field Club, the signature of Ross Earl and the amount is for \$6,250 in U.S. funds and that presumably was delivered to you on or about October 15, 1988?

A. Yes, and together it was \$25,000.

MR. ARMSTRONG: Right. Could we have that marked as the next exhibit?

THE COMMISSIONER: 137

THE REGISTRAR: 137.

---EXHIBIT NO. 137: Photocopy of cheque

MR. ARMSTRONG: Is that a convenient point?

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: Thank you.

THE COMMISSIONER: 2:30; thank you.

--- Upon resuming.

THE COMMISSIONER: I regret the delay, but it was important for me to meet with counsel about a matter relating to the Commission. So, I am sorry I am late. Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr. Commissioner. If I could just have one moment to check my notes as to where I was.

MR. ARMSTRONG:

Q. Yes, Mr. Matuszewski, I think we were in Ottawa at the nationals, and we had identified the exhibit that had already been entered, Exhibit 134, setting out the arrangement that you signed with Ross Earl. And then we had marked as an exhibit the subsequent payment that is referred to in Exhibit 134, that is the cheque for \$6,250.00.

I want to stay with the nationals for the moment. Do you recall when you were at the nationals that there was some concern expressed by Dr. Astaphan relating to Jack Scott continuing to be a member of the entourage, if I can put it that way. Did he take any particular position regarding Jack Scott?

THE COMMISSIONER: Was it Dr. Astaphan or Mr. Francis?

MR. ARMSTRONG: No, Dr. Astaphan.

(Interpreter translates question; witness answers)

5 A. Yes, he does want if Jack Scott will work with Ben at that time and also in Europe.

Q. All right.

A. After in Italy. And he got this possibilities in Italy in -- after -- after the national with Jack Scott.

10 Q. All right. In any event, did he say that he personally was going to do anything about it if Jack Scott continued to be part of the group?

(Interpreter translates question; witness answers)

15 A. No. He told Charlie, I was there, too, that his work is not important with Ben and the equipment, what he was using with Ben, is not as good for his central nervous system and for his muscles. And he doesn't want if you work any longer.

20 Q. All right. Then did you -- I am sorry, I missed the last sentence. He said something about --

THE COMMISSIONER: He didn't want to work with him any longer.

25 THE WITNESS: He doesn't want if Mr.

Scott --

MR. ARMSTRONG:

Q. To work with Ben any longer?

5 A. Yes, to work with Ben any longer.

Q. All right.

MR. FUTERMAN: Excuse me, Mr. Commissioner,
forgive me, I just couldn't hear it. Did the witness say
that he told -- I was going to ask the question through
10 you, Mr. Commissioner.

THE COMMISSIONER: Go ahead.

MR. FUTERMAN: Was the answer that he gave
that Dr. Astaphan told Ben he didn't want Ben to work with
Mr. Scott or he told Waldemar that he doesn't want Ben --

15 THE COMMISSIONER: I am not sure now. He
told Scott, I thought.

THE WITNESS: No, he told to Scott --

THE COMMISSIONER: He told Scott --

20 THE WITNESS: Not, but to Scott, to Charlie
Francis.

MR. ARMSTRONG: Yes, that's what I thought.

THE COMMISSIONER: Now we have got it.

THE WITNESS: And Charlie Francis talk
with Scott and everybody don't want to accept. Jamie
25 Astaphan, Charlie, and nobody want to accept Scott help,

Scott treatment.

MR. ARMSTRONG:

5 Q. All right. Then did you go to Europe
with the group in the middle of August after the -- or,
indeed, it was the first week in August after the
nationals when they went to Sestriere and so on?

A. Yes.

Q. All right. Go on?

10 A. And the conversation it was in
Sestriere, in Italy.

Q. The conversation about Jack Scott?

A. Yes.

15 Q. I am sorry, I thought it was at the
nationals in Ottawa. So, I have got it completely wrong.

A. No, no, no, no, in Ottawa in national
in Ottawa it was all right, but in Sestriere, Italy.

20 Q. All right. So, then, let's see just to
summarize it. The conversation took place between Charlie
Francis and Dr. Astaphan in Sestriere in Italy in which he
said he didn't want Jack Scott --

A. Yes.

Q. -- working any more --

A. Yes.

25 Q. -- with Ben Johnson?

A. Yes.

Q. And in particular, he didn't want him using his machine on Ben Johnson?

A. Yes.

5 Q. The machine being the myomatic machine?

A. Yes, myomatic machine.

Q. All right.

A. And in national he was using that myomatic machine and Ben, he gave so to Ben and Ben was
10 using the same machine.

Q. Indeed I think you told me earlier when we met at one time discussing what information you had, that Dr. Astaphan took the position in Sestriere that if Jack Scott didn't cease to work with Ben Johnson that he
15 would simply go home to St. Kitts; he, Dr. Astaphan, would leave?

A. Yes, it was like that, yes.

Q. All right. In any event, we know from what happened that Jack Scott didn't have anything to do
20 with Ben Johnson from -- after the nationals. He wasn't involved with him in Europe in Sestriere and the other places. Is that correct?

(Interpreter translates question; witness answers)

25 A. Okay, he wants to work with him also in

Italy.

Q. Yes.

A. But --

Q. But he didn't?

5 A. He didn't. And he work with the
American team, with Carl Lewis.

Q. Okay. No, I know that, I just want to
stay with Ben Johnson. Did he ever again work with Ben
Johnson so far as you know? Did he work with him, for
10 example, in Seoul in the Olympics?

(Interpreter translates question; witness
answers)

A. No, no, no, no, no, no.

Q. Just to put it to rest, I am afraid I
15 have gone down a path that I need not have gone down, but
I will just finish it. In the -- as I understand what you
are telling me, the last time that Jack Scott would have
been involved in any treatment of --

A. In Italy.

20 Q. -- of Ben Johnson would have been at
the nationals in Ottawa not in Italy?

A. Yes, I think, yes, that it was the last
time or in Italy first day and that's it.

Q. All right. Okay. Then did you ever
25 become aware either in August of 1988 when you were in

Europe or at any other time that Dr. Astaphan had an interest in pursuing other athletes as his patients, that is athletes other than Canadian athletes?

A. Yes.

5 Q. Tell us about that, please.

A. Dr. Astaphan, he wants to work with another, another team from Australian. And he wanted also from -- try to work with the German team, but what kind of agreement it was between him and the athletes or the
10 coaches, I don't know about that.

Q. But did you become aware of that through discussions with Dr. Astaphan?

A. Yes, it was a discussion in West Germany about that. He offer me, with Larry, and Charlie,
15 they offer me a job with another athletes. And they offer me money and I told that I am pretty busy, and I told to Dr. Jamie Astaphan that he is a specialist, and it would be better for him if he work with athletes and he will take all the money.

20 Q. Sorry, again?

THE COMMISSIONER: I am not following this.

MR. ARMSTRONG:

Q. I didn't follow.

25 A. When he work with athletes.

Q. Yes?

A. Because I was pretty busy with the Canadian team, and they would pay him all the money, why we have to share the money.

5 Q. Okay. Well, then, let's go back at it a step at a time. You were in Cologne which was part of the European tour?

A. Yes.

Q. In August of 1988?

10 A. Yes.

Q. You had a discussion with Larry Heidebrecht, Charlie Francis --

A. Yes.

Q. -- and Jamie Astaphan?

15 A. Yes.

Q. And the discussion related to the possibility of working with the Australian team?

A. Yes.

Q. And that was you?

20 A. Yes.

Q. You would work as one of their physiotherapists?

A. Yes.

Q. And a sum of money was offered to you?

25 A. Yes.

Q. And what was that sum of money?

A. It was around five, six thousand dollars.

5 Q. All right. And I take it you were to split that \$6,000.00 with somebody else?

A. Yes.

Q. With whom?

A. Yes, with Jamie Astaphan.

10 Q. All right. And the \$6,000.00 was going to be working with the Australian team as their therapist. Was this during the remaining European meets, or up through the Olympics, including the Olympics?

A. No, no, no, only in Europe.

15 Q. All right. Now, going back to Dr. Astaphan -- in any event, you decided not to do that?

A. Yes.

Q. Because you didn't think it was fair to have --

A. Yes.

20 Q. -- to have to share the money with Dr. Astaphan when you would be doing all the work.

A. Yes, because he thought that I would make the judgment and he would administrate that.

25 Q. All right. In any event, going back to the other question I had asked you earlier, leaving you

aside, forgetting you, Waldemar Matuszewski, did you ever become aware through discussions with Dr. Astaphan that he was interested in increasing his patient base, his clientele among other athletes from around the world?

5 A. Yes. He tell everybody that he is working with the fastest man in the world, Ben Johnson, and he is working with the best group in the world, Charlie Francis' work, and he is physician, and everybody was interesting his person, interesting in his person.

10 Q. Well, let me suggest this to you what you are really saying is that Dr. Astaphan made it be known that his services as a physician were available to other athletes than the Canadians?

 (Interpreter translates question; witness
15 answers)

 A. Yes.

 Q. Did you become aware of that through discussions with Dr. Astaphan?

 A. Yes, it was one time in Toyko with the
20 Australian high jumper, woman. And he find her in the hotel, and he told her about that that if would be something wrong with her or she want help, he is here and better were she will ask him than therapist.

 Q. Was this in Toyko on the way to Seoul?

25 A. Yes.

Q. In the fall of '88?

A. Yes, yes.

Q. Or September '88?

A. Yes. And she thought that about to --

5

Q. All right. Well, then, I am sorry, I

don't want to make a meal of this, but I thought what I was going to elicit from you was simply that you were aware of the fact that from time to time Dr. Astaphan let it be known to other athletes, that is athletes other than
10 Canadians, that his services were available, and not just some Australian high jumper in Toyko in September of '88, but that from time to time when you were with him in Europe, he generally let that be know.

MR. SOOKRAM: Mr. Commissioner.

15

THE COMMISSIONER: It is quite a leading question, I think, and is that your objection?

MR. SOOKRAM: Yes.

MR. ARMSTRONG: I intended it to to be.

20

THE COMMISSIONER: It has got four

questions and so. Just one question at a time. I think you made the point clear, but I am not sure he understood -- your question was clear, I don't think the witness understood.

25

MR. ARMSTRONG: Well, we will go at it one

question at a time and I will not pursue it much longer.
We will ask a couple of questions and probably call it a
day.

THE COMMISSIONER: Okay.

5

MR. ARMSTRONG:

Q. Mr. Matuszewski, other than the
incident concerning the Australian team in Cologne that
you referred to, other than the incident in Toyko
10 involving the Australian high jumper, did you ever become
aware of any other occasions when Dr. Astaphan suggested
his services might be available to non-Canadian athletes?

A. Yes, he was very helpful. He talked
with athletes that when they will need something, he is
15 going to help them.

Q. Who would those athletes be?

A. It was a lot of athletes from -- from
North America and Latin America.

Q. I see. When was this?

20 A. With a lot of places in Europe.

Q. Sorry?

A. With a lot of places in Europe, with
few places where the athletes compete in Europe. He was
asking how they are feeling. He was asking do you have a
25 problem and come to my place and I will help you.

Q. All right. Was this in August 1988?

A. It was -- I am talking about '88, because with that time he was travelling all the time with the group.

5

Q. All right.

A. Most of the part with the group.

10

Q. All right. Then, Mr. Matuszewski, I want to move along to the Seoul Olympics in September of 1988. You, of course, were part of the Canadian contingent who went to Seoul in September 1988?

A. Yes.

Q. And presumably you looked after a number of members of the Canadian Track and Field team?

A. Yes.

15

Q. And that included Ben Johnson?

A. Yes.

Q. I understand that during the time that you were looking after Ben Johnson, he was staying for most of the time at the Hilton hotel?

20

A. Yes.

Q. You would travel from the Athletes' Village in the Olympic Village to the Hilton hotel in Seoul and provide whatever services he needed?

A. Yes.

25

Q. And then you were, of course, in the

stadium or in the stadium area on Saturday, September 24, when he finished first in the 100 meters and won the gold medal and broke the world record?

A. Yes.

5 Q. And then after the race, you were involved with him, were you not? You were with him after the race?

A. Yes.

10 MR. ARMSTRONG: Then just before I go in to some further questions of Mr. Matuszewski, Mr. Commissioner, as a result of discussions that I have had, together with Ms. Chown, of counsel, I would like to just make this statement: In light of the public statements made following the disqualification of Ben Johnson in
15 Seoul, we, as counsel and our investigators, considered it our obligation to make a thorough investigation of the sabotage theory relating to the stranger in the doping control room.

20 That investigation has led us as counsel and our investigators to conclude at this stage that it would not advance your work to pursue that theory. However, it may be important for others and you to understand what information was made available at that time in order to fully appreciate the actions of those persons involved in
25 the events following the release of the positive finding

on the A sample. And for that reason, I am going to ask Mr. Matuszewski a couple of questions about the so-called stranger in the doping control room.

THE COMMISSIONER: All right.

5

MR. ARMSTRONG:

Q. Now, Mr. Matuszewski, we have heard in some detail about what happened immediately after the race and some of Ben Johnson's movements. We have heard that you were among, I guess, two or three people from the Canadian contingent who found their way into the doping control room. And I take it you will today confirm that after the race, you went with Ben Johnson to the doping control room?

10

A. Yes.

15

Q. And we have heard that when he was in the room, you were attending to him, particularly, I think there was some suggestion that he needed some attention to his heel that had been injured prior to the race. Is that right?

20

A. Yes.

25

Q. All right. Now, when you were in the doping control room, did you, in fact, see somebody who indeed was -- appeared to be a stranger who did not appear to have any particular reason for being in the doping

control room?

A. Yes.

Q. All right. And do you remember now whether that stranger was a white -- I take it he was a male, a man?

A. Yes.

Q. And was he a black man or a white man?

A. Black.

Q. Then, Mr. Matuszewski, I understand that at the time that the actual sample was given by Ben Johnson there was a form that was signed by Ben Johnson and by you indicating that the procedures that were followed were acceptable. Am I correct?

A. Yes.

Q. All right. And I am just going to show you a copy of a form, it is not a very good photocopy, but it is the best we have available. And we see the signature of Ben Johnson and then there is a signature below that that says signature of accompanying person if present. And I hope you are going to tell me that's your signature?

A. Yes.

Q. All right. And I note that immediately above Ben Johnson's signature he says, "I declare that I am satisfied with the manner in which the

sample taking procedure was carried out".

A. Yes.

Q. At that time, when he signed the document, did you see him sign this document as well?

5 A. Yes.

Q. And at the time that he signed the document and you signed the document, were you indeed satisfied with the manner in which the sample testing -- sample taking procedure was carried out?

10 A. Yes.

THE COMMISSIONER: That will be Exhibit 138.

MR. ARMSTRONG: Thank you.

THE REGISTRAR: 138.

15

--- EXHIBIT NO. 138: Doping Control Collection Form No. 3193.

MR. ARMSTRONG: If I could just have your indulgence.

20

THE COMMISSIONER: Yes.

MR. ARMSTRONG:

Q. Then, finally, in fairness, Mr. Matuszewski, I think I should ask you a question about the

25

DMSO cream just to lay that to rest.

There was some theory advanced after the Seoul Olympics that perhaps one of the ways in which the Stanazolol got into Ben Johnson's system might have been through the application of a cream called DMSO. And I simply ask you if you in any way had any involvement in anything like that?

A. No.

MR. ARMSTRONG: Those are all the questions I have --

THE WITNESS: It was not -- sorry, it was not directly DMSO, it was Dolabene cream, with DMSO it's --

MR. ARMSTRONG: I see.

THE WITNESS: -- from Switzerland creme.

THE COMMISSIONER: It was not DMSO?

THE WITNESS: With DMSO, Dolabene creme, it's Switzerland medicament.

THE COMMISSIONER: Thank you. All right.

MR. ARMSTRONG: Those are all the questions that I have.

THE COMMISSIONER: Mr. Czuma.

--- EXAMINATION BY MR. CZUMA:

Q. Mr. Matuszewski, over the course of the

years that you were with these athletes, how many of them did you knowingly inject with steroids?

A. One.

Q. And who was that?

5 A. Mike Sokolowski.

Q. Okay. Did you ever inject Angella Issajenko knowingly with a steroid?

A. No.

Q. When --

10 THE COMMISSIONER: That's not quite what he said. It's your witness, and he said that he presumed it was a steroid.

MR. CZUMA: That's what I am getting to, the next question, Mr. Commissioner.

15 THE COMMISSIONER: And he discussed it with Mr. Francis afterwards.

MR. CZUMA: Well, that's what I am getting at, Mr. Commissioner.

20 MR. CZUMA:

Q. When Mr. Commissioner --

THE COMMISSIONER: The first question said he knew that it was a steroid, the second he said he presumed it was a steroid.

25

MR. CZUMA:

Q. When that question was asked before,
that's the question that Mr. Commissioner is referring to,
and I stood up and Mr. Sosnowski stood up earlier on in
5 the day, and you had responded to Mr. Commissioner's
question, what did you understand that you were saying at
that time?

A. I was understanding that Mister asked
me about the Inocine with vitamin B-12.

10 Q. Yes.

A. And I thought that I gave to the
athletes the Inosine, but I don't understood that it was a
question about anabolic steroids.

Q. You mentioned as well earlier on in
15 response to some questions that you had discussed an
athlete's steroid use with Charlie Francis. Do you recall
if you -- on what occasions you did that?

(Interpreter translates question; witness
answers)

20 A. About?

Q. About steroid use of the athletes. Do
you recall discussing that with Charlie Francis?

A. Yes, I thought that it was something
with the muscles.

25 Q. What did you tell him about the

muscles?

A. I told him that the muscles are swollen a little bit, and they are pretty tight, and it's painful with the lymph system.

5 THE COMMISSIONER: I can't hear, I didn't hear the bottom, the answer dropped away.

MR. CZUMA: I think he said it was painful with the lymph system.

10 THE WITNESS: When I touched the athletes, it was a little bit painful, and it was not smooth in this area.

MR. CZUMA:

Q. Okay. What was his response to that?

15 A. Sometimes where doctors are using kilotoff (phon)--

(Interpreter)

20 A. He thought it's okay, and when you see something next time, please tell me immediately, but don't tell -- don't talk with the athletes.

THE COMMISSIONER: Don't do what? I am sorry?

THE WITNES: Don't tell anything to the athletes.

25 THE COMMISSIONER: You were telling him

this or he was telling you this?

THE WITNESS: When you see next time, please come to me and tell me about that, but don't try to talk with the athletes.

5

MR. CZUMA:

Q. Was that something Mr. Francis told you?

A. Yes.

10

THE COMMISSIONER: Don't talk about it to the athletes, is that what he said?

THE WITNESS: Yes, don't talk about that to the athletes.

15

THE COMMISSIONER: But you knew it was steroids, you told me earlier you could detect steroids by your manipulation?

THE WITNESS: Yes.

20

THE COMMISSIONER: Didn't you tell Mr. Francis -- I thought you said earlier this morning that you said I think you are giving them too much steroids.

THE WITNESS: No, I told him that is something wrong with the athletes -- with the muscles, and he told me that, yes, I gave him something and don't tell the athletes anything, come to me.

25

THE COMMISSIONER: No, but, you knew, you

were worried that the steroids were making the athletes' muscles too tight, isn't that what you were saying?

5 THE WITNESS: Yes, I knew about that, but we never talked about that that I knew what happened with the athletes.

THE COMMISSIONER: You knew about it but didn't talk about it?

THE WITNESS: No.

10 THE COMMISSIONER: Why wouldn't you talk about it with Mr. Francis, he is the coach?

THE WITNESS: Because --

THE COMMISSIONER: You had to know about it because you had to manipulate --

15 THE WITNESS: Yes, because with our group, nobody was talking about steroids and everybody knew about that.

THE COMMISSIONER: I see.

MR. CZUMA:

20 Q. Returnig for a minute to Mr. Szczepanski, the Polish coach from Poland who was here, did you speak to Mr. Astaphan -- to Dr. Astaphan about getting a prescription for the drugs that Mr. Szczepanski was wanting to get?

25 A. Yes. I spoke with Dr. Jamie Astaphan

about that and ask him about the prescription or I ask him about the stuff, I gave him the names. And I never find the anabolics from him, and he never gave me the prescription.

5 Q. Approximately how many drug stores did you visit in pursuit of these drugs, and over what period of time?

 A. Thirty, fifty, I don't remember. When I saw the drug store, I stop a car and I ask about.

10 (Interpreter)

 A. Around two months.

 Q. How much money were you being paid by the Canadian Track and Field association?

15 A. The gross of money was 25,000, after 27,000 ,but with my cheques first it was \$611.00 every second week, and after \$722.23.

 Q. What years were you earning the \$24,000.00, and what years were you earning that money?

20 A. It was since when I start to work 290, 18 -- in 198 -- on the beginning of 1987.

 Q. How --

 A. From 1987, beginning 1987 to 1988, I have 27,000 and the cheques are \$722.22 a month -- every two weeks.

25 Q. And this extra payment that you got of

25,000 U.S, as I understand it, that was just in 1988; is that correct?

A. Yes.

5 Q. And during this time, that is until the summer of '88, you were living in the basement of Mr. Van Zeyl's house; is that correct?

A. Yes.

10 Q. Could you just describe briefly the place where you were living during that time, the accommodation that you had?

A. I had the basement, I pay \$170.00 month. The basement doesn't have a door, it was open area. I have bed, table, armchair because I was working, I was preparing my book. And everybody want -- the people
15 who are living there, if somebody wants something, they came and they took everything, from the bandages, cremes and so on. And when I went every weekend to Ottawa, all the stuff was there. I never --

20 THE COMMISSIONER: You left it for them to help?

THE WITNESS: Pardon me.

THE COMMISSIONER: You left your equipment there and they could use it, is that what you are saying?

25 (Interpreter translates question; witness answers)

THE WITNESS: Yes, yes.

THE COMMISSIONER: Yes, I understand.

MR. CZUMA:

5 Q. On an average how many hours would you
work during the week per week?

A. It was a full time job, but sometimes I
was working 18, 20 hours a day.

MR. CZUMA: Thank you.

10 THE COMMISSIONER: Thank you. Mr.
Futerman.

MR. CZUMA: Just a moment, please.

THE COMMISSIONER: I am sorry, Mr.
Sosnowski.

15 MR. SOSNOWSKI: If I could just indulge you
for just a second, Mr. Commissioner.

THE COMMISSINER: Yes, certainly.

MR. SOSNOWSKI: Thank you very much.

MR. CZUMA: Yes, those are the questions.

20 THE COMMISSIONER: Mr. Futerman, any
questions.

MR. FUTERMAN: I have a couple of
questions, Mr. Commissioner.

THE COMMISSIONER: Fine.

25 MR. ARMSTRONG: I had spoken to Mr.

Futerman yesterday, and because of the switch in the witnesses at the last moment, he asked me if because he was not able to be here this morning, if I would support his request to either go last or near the end. And it was only quite frankly through getting his agreement that I was able to do what I planned to do. So, I would --

THE COMMISSIONER: What's your point?

MR. ARMSTRONG: -- so, I would support Mr. Futerman going either last or close to the end.

THE COMMISSIONER: Is anybody else supporting Mr. Futerman?

MR. McMURTRY: I am delighted to support Mr. Futerman.

THE COMMISSIONER: All right. Mr. McMurtry.

MR. McMURTRY: You just remember that, Ed.

THE COMMISSIONER: You are on.

--- EXAMINATION BY MR. McMURTRY:

Q. Mr. Matuszewski, I represent Mr. Charlie Francis who you know has already testified at some length at this Inquiry?

A. Yes.

Q. Now, during Mr. Francis' evidence, he described you on more than one occasion as the as in his

opinion, the best sports physiotherapist in the world.

THE COMMISSIONER: Do you want to repeat that in Polish.

(Interpreter translates question; witness answers)

A. Thank you.

Q. Well, did you -- did you see or hear Mr. Francis' testimony in that regard?

A. No.

Q. No. So, he obviously had and still has a very high opinion of you --

A. Thank you.

Q. -- in describing you as the best sports physio in the world?

A. My opinion is the same about him, he is a very good coach.

Q. Thank you. And it was quite clear that --

THE COMMISSIONER: Well, let's get down to business.

MR. McMURTRY:

Q. We are just getting down to business very quickly. Well, from what he has said about you and what you have just said about him, it would appear that

you had a very high respect for each other?

(Interpreter translates question; witness answers)

A. Yes.

5 Q. And it was obvious that Mr. Francis was
anxious to obtain your services for his athletes?

10

15

20

25

A. Yes.

Q. And you've given evidence to this effect, but was it 1985 that you first began to work with Charlie Francis' athletes?

5

A. Yes.

Q. And you worked with them, as we have heard, right up at least until the Olympic Games in Seoul?

A. Yes.

10

Q. And how many weeks a year would you work with Charlie's athletes, Mr. Matuszewski?

A. It was on a break after, in the wintertime, sometimes a week, and it was a break after the summertime races. And during that time I worked all the time with the athletes.

15

Q. So we're talking about approximately a three-year period?

A. Yes.

Q. And you would have worked then most of the weeks of the year with these athletes?

20

A. Yes.

Q. And as you have told us, you put in long days? You worked many hours?

A. Yes, especially before the races in Europe.

25

Q. Yes.

A. It was the traveling, after the traveling. That is they have break; they go to bed and I wake them up, and I work with the athletes who want to loosen their muscles. They go again to bed and I call another athlete.

Q. And you would have -- then it's fair to say that you would have worked literally hundreds and hundreds of hours with each of his athletes?

A. Yes.

Q. And at some point you became aware of the fact that some of Charlie's athletes were on a steroid program?

(Interpreter translates question; witness answers.)

A. Yes.

Q. And your words, you told us earlier, that the steroid use was supposed to be a secret but everybody knew?

A. Yes.

Q. And I think you told us as well that the athletes would refer to it as the white stuff?

A. Yes.

Q. And his athletes were a fairly close-knit group? Do you know what I mean by that?

(Interpreter translates question; witness

answers.)

A. Yes.

Q. And when in 1985 did you become aware of the fact that these athletes were using steroids? Do you
5 remember approximately when?

A. '85?

Q. Yes.

A. No.

Q. Do you remember when you became aware,
10 the approximate date that you became aware that the athletes were using steroids? Only if you can tell us.

(Interpreter translates question; witness answers.)

A. In '85, no, because I was a short time
15 after the seminar with Charlie Francis' place, and I knew about that after.

Q. And that was approximately what date, sometime in '85?

A. It was not the date. I didn't know in
20 '85 about the steroids, that athletes were using the steroids.

THE COMMISSIONER: He said he learned after '85.

A. After. When I start to work with
25 everybody.

MR. MCMURTRY:

Q. I see. Would that be in '86 then?

A. Yes, because I started to work
5 permanently in 1986.

THE COMMISSIONER: I didn't hear that.
Started work with whom?

A. It was a permanent job with Charlie
Francis' group in 1986.

10 THE INTERPRETER: It was a permanent job.

THE COMMISSIONER: I see, thank you.

MR. MCMURTRY:

Q. And you've told us that you could tell
15 by the massaging the athletes whether they were on a
steroid program or not?

A. Yes.

Q. And you've already told us that you
would speak to Charlie Francis about their muscles when
20 you felt that they were getting too much steroid?

A. That is too much something. It was not
too much steroid. Too much something and their muscles
are not too smooth. It was not the word "steroid".

Q. I'm sorry, it was not--

25 A. It was not the word "steroids".

THE COMMISSIONER: He didn't use the word
"steroid".

MR. MCMURTRY:

5 Q. Didn't use the word "steroids"?

A. No.

Q. But you knew that it was caused by
steroids?

A. Yes.

10 Q. And you are obviously a highly
professional person in your field?

A. Yes.

Q. And if you're going to treat these
world-class athletes, it is important that you know the
15 programs that they're on?

A. Yes.

Q. And you must know about their training
programs?

A. Yes.

20 Q. And you would want to know about
anything that could affect or influence their performance?

A. Not about everything, but yes.

Q. Why would you not want to know about
everything?

25 A. Because before I was with a situation

where I knew that the athletes used the steroids, and the second time I didn't want to know anything about that. I knew, but I didn't want to ask anybody. I didn't want to talk about that. When I asked the athletes what minerals
5 they're using or what vitamins they're using, I never want to ask about the steroids and I never want to talk about the steroids.

Q. All right. So I think, so we can be clear, because you're a highly professional man, that you
10 would want to know about what the athletes were using, even if you did not want to talk about it?

A. Yes.

Q. So we draw a distinction or draw a line between knowing and talking about it?

15 A. Yes.

Q. And you're telling us --

THE COMMISSIONER: Or using the word.

MR. MCMURTRY:

20 Q. Or using the word, using the S-word?
(Interpreter translates question; witness answers.)

A. Yes, yes, yes, yes, sure.

Q. So you knew about the steroid use?

25 A. Yes.

Q. And you've already told us that you didn't want to talk about it?

A. Yes.

5 Q. Now, why did you not want to talk about it?

A. Because before I had, it was a similar situation, and athletes was using the steroids. I knew about that; the coaches know about that; the physician know about that. And after it was a scandal, because I was like a part of the group, I talk with the athletes; I talk with the coach; I talk with the doctor. And the second time when I was working and I knew that they are using something, I didn't want to be with the group. I worked with the athletes. I wanted to help them a lot to loose their muscles, but I didn't want to be with their group and talk about that. I wanted to be outside with this problem.

10

15

Q. Well, you've mentioned twice now about an earlier experience that you had?

20 A. Yes.

Q. When was that? When was this earlier experience? You said there was a scandal?

A. Yes, in Poland.

Q. In Poland. And how long ago was that, approximately?

25

A. Fifteen, fourteen, and it was very good time when I learn a lot, that where there's something like that, had better be out of the group.

5 Q. So it was important for you as a professional to know but not to talk about it?

A. Yes.

10 Q. Now, you have said in your evidence on several occasions that everybody knew about steroids; it was no secret. I think those were your words, "It was no secret."

A. It was a secret, a secret, and not a secret because everybody maybe not knew about it, but they was thinking that the athletes were using, but nobody knows about it. It was like a secret.

15 THE COMMISSIONER: It was not a secret in the group. It was not known -- it was rumoured outside the group.

A. It was rumour outside, but nobody was sure about that.

20

MR. MCMURTRY:

Q. That's outside the group?

25 A. Yes, and inside, the athletes never talk about steroids, and it was -- they knew, but one don't want to talk with another. It was like a secret. It was

my expression, my feeling.

Q. But you said earlier, and I think, and I'm not suggesting this is significantly different from what you're saying now, you said, "It was my opinion that the athletes knew about the steroids, within the group"? 5

A. Yes, yes. I think about that because they was pretty strong. The muscle was growing.

Q. And you were satisfied the athletes all knew about the stereo-oids(sic) -- sorry. That S word has caught me up. That you were satisfied that all the 10 athletes knew about the steroids but wanted to keep it a secret amongst themselves?

(Interpreter translates question; witness answers.)

15 A. Yes, yes, sir.

Q. Now, Mr. Matuszewski, you're still living in Canada?

A. Yes.

Q. And are you living in Ottawa, did I 20 hear?

A. Yes.

Q. And you're still working with athletes?

A. No.

Q. You're not -- you've given up the sports 25 physiotherapy?

A. No, I lose my job. I'm not anymore with the association and they don't pay me. The last payment was 30th of March.

Q. The last payment from who?

5

A. From the association.

Q. I'm sorry, from?

A. The Canadian Association.

THE COMMISSIONER: From where?

A. Canadian Track and Field Association.

10

MR. MCMURTRY:

Q. Oh, the Canadian Track and Field Association. Why did they -- why did you lose your job with them?

15

A. They sent me a letter that the club, the Mazda Optimists Club is not anymore in Toronto, York University, and I have no longer my position.

20

Q. Well, this may not be important. It may be important, but what position did you have with the Canadian Track and Field Association up until March 31st?

(Interpreter translates question; witness answers.)

A. I was the therapist for the Canadian athletes.

25

Q. Yes. And you said that they dismissed

you?

(Interpreter translates question; witness answers.)

A. Yes.

5 Q. Because there was -- you said something about Toronto.

THE COMMISSIONER: There was no more Mazda Club, he said.

10 A. No more Optimists there in Toronto and they don't have anymore position for me.

Q. Did they give you any reason other than that? You have their letter?

A. Yes.

15 MR. MCMURTRY: I think since -- I don't know that the letter adds much to what the witness has already said, Mr. Commissioner, but since there's been some reference to it, Mr. Armstrong, I think, has quite properly suggested perhaps that the copy be made an exhibit.

20 THE COMMISSIONER: Do you have any objections to the letter going in?

MR. CZUMA: No.

THE COMMISSIONER: Let me see it. I'm not sure it's very relevant.

25 MR. MCMURTRY: In any event, those are all

the questions I had. Thank you.

THE COMMISSIONER: Mr. Bourque.

MR. BOURQUE: I wonder if I might have a
look at the letter, too, before any decision is made about
its admission.

THE COMMISSIONER: Let me just look at it
first. Do you mind if I look at it first?

MR. BOURQUE: By all means.

THE COMMISSIONER: Thank you.

All right. Mr. Armstrong, would you show
that to Mr. Bourque, please. I have not marked it as an
exhibit yet, Mr. Bourque.

MR. BOURQUE: Thank you.

Well, I agree with Mr. McMurtry. I don't
see that it adds anything to the evidence that he has
given, but the reason for his --

THE COMMISSIONER: I think he stated it
quite accurately.

MR. BOURQUE: Except in this one respect,
that he stated he was dismissed, and there might be some
speculation arising out of that word, and I think it
clarifies the evidence that it's a question of the
position no longer existing rather than him being
dismissed for any reason.

THE COMMISSIONER: Well, let's make it an

exhibit then.

MR. BOURQUE: Thank you.

THE COMMISSIONER: That's 139.

5 -- Exhibit 139: Letter from C.F.T.A. to Mr. Matuszewski --

THE COMMISSIONER: Any other questions, Mr.
Bourque?

MR. BOURQUE: Yes, very briefly.

10 MR. BOURQUE:

Q. Mr. Matuszewski, my name is Bourque. I
represent the Canadian Track and Field Association. And I
just want to make sure that I have some of your evidence
this morning correctly. You were testifying about your
15 meeting with Ross Earl?

A. Yes.

Q. At the Nationals in August 1988?

A. Yes.

Q. And Exhibit 133 was put before you. Do
20 you still have that before you?

A. No.

MR. BOURQUE: I wonder if we can have that.

THE COMMISSIONER: That's the agreement
made?

25 MR. BOURQUE: Yes.

MR. BOURQUE:

Q. Now, Mr. Matuszewski, I draw your
attention to one of the last lines in that document which
5 deals with confidential information you may acquire in the
treatment of these athletes. Do you recall Mr. Armstrong
asking you about that sentence?

(Interpreter translates question; witness
answers.)

10 A. Yes, yes, yes, yes.

Q. And just for clarification's sake, it
reads, "I realize that in working as closely as I do with
these athletes that I may from time to time be privy to
private and confidential information which will be treated
15 as such with respect to my clients and their unique
position in the world." That is the sentence I'm
referring to.

A. Yes.

Q. Now, I'm not sure if I have this
20 correctly, but this morning I believe you told Mr.
Armstrong that you understood that sentence, and more
particularly the phrase "confidential information," to
apply to steroid use by athletes; is that correct?

A. Yes.

25 Q. And this document, Exhibit 133, was that

written by Mr. Earl?

A. Yes, I think, because he gave me -- the document was all ready -- he gave me -- the document was ready when I signed it.

5 Q. All right. Did you have any discussion with Mr. Earl in the stands at the Nationals in August 1988 about that phrase "confidential information" referring to steroid use by athletes?

10 A. No, we talk only about when will be the second payment, and I wanted if he would make the notes over there, and he wrote that it will be deposited with Les Sosnowski October 15, '88. And he signed this and I signed that.

15 Q. Right. Well, I'm not -- that's all you discussed, in other words, between you at the time?

A. Yes.

20 Q. Now, had you had any conversations with Mr. Earl previous to that about steroid use by athletes from which you drew the conclusion that his words in that document referred to steroid use?

(Interpreter translates question; witness answers.)

25 A. No. I talked with Mr. Earl not about steroids. It was about athletes and about all the group, but not about steroids, about the situation what is that

moment, inside in the group.

Q. All right. So that -- I'm puzzled then when you say that you understood those words, the words "confidential information" as they appear in Exhibit 133, to be in reference to steroid use. Did you not understand at the time that it was Mr. Earl's intention in putting those words in there that they referred to steroid use?

(Interpreter translates question; witness answers.)

A. No, I was thinking because I know the situation with the group and I was thinking that probably it's about steroids. But I never asked him. He never talked to me about it.

Q. All right. And, indeed, the following sentence reads, "My actions are within the I.A.A.F. rules," and you are aware, sir, that there is an I.A.A.F. rule prohibiting the use of anabolic steroids; is that correct?

(Interpreter translates question; witness answers.)

A. Yes, it was a result that I didn't want to talk about that.

MR. BOURQUE: I understand that. Thank you. That's all the questions I have.

THE COMMISSIONER: Mr. Sookram.

MR. STEINCKE: I wonder, Mr. Commissioner,
if I could just ask a couple of questions.

THE COMMISSIONER: All right. On what
issue?

5 MR. STEINCKE: Dealing with conversations
with Dr. Astaphan?

THE COMMISSIONER: With respect to any
advice he may have given? Well, go ahead, just ask the
question, but it must be quite limited, you know.

10 MR. STEINCKE: All right.

MR. STEINCKE:

Q. I'm from the College of Physicians and
Surgeons, and I just have a couple of questions I want to
15 ask you. First of all, you talked this morning about the
written protocol or document that you got from Dr.
Astaphan dealing with Mike Sokolowski?

A. Yes.

Q. How was the milky-white substance
20 referred to on that document?

(Interpreter translates question; witness
answers.)

A. Bottle Number 1 and bottle Number 2.

THE COMMISSIONER: Under an E? Was it
25 called under an E?

A. It was the ampules and number of the bottles.

THE COMMISSIONER: It was one AMP's?

MR. STEINCKE: He said bottle Number 1.

5

THE COMMISSIONER: Oh, I see.

A. Numbers of the bottles.

MR. STEINCKE:

10

Q. And you worked together with Dr. Astaphan in treating or dealing with some of these athletes?

A. Not together.

Q. You did with Mr. Sokolowski, though?

A. Pardon me?

15

Q. You did with Mr. Sokolowski?

(Interpreter translates question; witness answers.)

A. Yes.

20

Q. And did you discuss the care of any of the other athletes with Dr. Astaphan?

(Interpreter translates question; witness answers.)

A. No, it was normal. He was working with other athletes, and it was like two plus two is four.

25

Q. So you never discussed the topic of

steroids with Dr. Astaphan?

A. No.

MR. STEINCKE: Okay, thank you.

MR. FUTERMAN: Mr. Commissioner, I think as
5 a matter of fairness, I'm prepared to go forward now.

THE COMMISSIONER: All right, go ahead.

MR. FUTERMAN:

Q. Good afternoon, Mr. Matuszewski. I
10 represent Ben Johnson. Just two or three questions that
struck me a bit odd and perhaps you can clarify them for
me if you can. One of them was --

MR. MCMURTRY: I think we agreed as counsel
that we weren't going to comment on whether certain
15 answers struck them as odd or not.

THE COMMISSIONER: Well, we'll let it slip
in once this time.

MR. FUTERMAN: Thank you, Mr. Commissioner.
In fairness, Mr. McMurtry, I think you made one slip of
20 the tongue as well.

THE COMMISSIONER: Just ask your question.

MR. FUTERMAN: Thank you, Mr. Commissioner.

MR. FUTERMAN:

25 Q. You made reference to Charlie Francis,

Larry Heidebrecht and Dr. Astaphan presenting a proposal that you should look after Australian athletes?

(Interpreter translates question; witness answers.)

5 A. Yes.

Q. This would be in addition to the duties that you were performing for the Canadian athletes?

(Interpreter translates question; witness answers.)

10 A. Yes.

Q. And was it your understanding that you would be paid for looking after these athletes?

A. Yes.

15 Q. And can you tell me, if you know, why Charlie Francis would put a proposal like that to you?

THE COMMISSIONER: Not just Mr. Francis would be paid. It would be split between Astaphan, Dr. Astaphan --

20 MR. FUTERMAN: I understand, but I'm curious about what Francis' interests would be in this therapist looking after --

THE COMMISSIONER: Was it Mr. Francis that put it forward?

MR. FUTERMAN: He was present.

25

MR. FUTERMAN:

Q. Did Mr. Francis put this to you as well, along with Dr. Astaphan? I think you mentioned three people were there.

5 (Interpreter translates question; witness answers.)

A. Yes, it was together. They are together.

10 Q. And did Mr. Francis say anything specifically to you about looking after these Australian athletes?

(Interpreter translates question; witness answers.)

A. No, it was -- no.

15 Q. Do you have any information as to whether or not any of these three people were being paid by the Australian athletes for your services?

(Interpreter translates question; witness answers.)

20 A. Yes.

Q. What can you tell me about that?

25 A. Larry told that, because they knew I had all the time with my expenses, money problem, from traveling from Toronto to Ottawa and sometimes in Europe, paying for the washing clothes and that and that. And the

hotels are very expensive. And they wondered if I wanted extra money to work with extra hours with another team. They wanted to make an agreement like that.

Q. Was Mr. Francis part of that
5 discussion --

A. Yes.

Q. -- in terms of making the suggestion as
well?

A. Yes.

10 Q. In your opinion, did you have enough
time at that particular time in your life to look after
all the Canadian athletes that you were servicing?

A. Yes, during the night.

Q. Pardon?

15 A. During the night.

Q. I think you said you were working 18 to
20 hours a day some days?

A. Yes, some days, but not every day. And
sometimes -- they knew that I was working a long time and
20 I never complained that I'm tired, and they wanted to give
me the offer.

Q. Because the information I heard from at
least one athlete and perhaps others was that there wasn't
really a lot of time for your services. Everybody wanted
25 you to service them?

A. Yes.

Q. And because of the many demands on your time, there really wasn't enough time to look after all the athletes properly?

5 A. Yes.

Q. Is that true?

A. Yes.

(Interpreter translates question; witness answers.)

10 A. Yes, but when I start to work with athletes, I finish. I didn't work on others, more others, because it was not possible to work more. But with these athletes, some would ask me. I was doing what was the best -- I was giving them my best service.

15 Q. When Dr. Astaphan, just to move in another direction if we may, when Dr. Astaphan talked to you about the possibility if Ben Johnson won the gold medal of receiving \$250,000 plus your expenses plus 5 percent of the profits, was he talking about Ben Johnson's
20 earnings specifically or was he talking about some other source of income?

(Interpreter translates question; witness answers.)

25

A. I ---

Q. In other words, where was this money coming from?

5 A. Yes, yes. I think it was -- he wants if I work with Ben Johnson but he was trying, if to get that with Ben Johnson, you find another athletes and arrange to make another club like it was Mazda Optomist Club with another athletes. Maybe with Mark McKoy, Desai Williams, he wanted if another athlete would work
10 together ---

Q. He wanted you to have a group of athletes?

A. Yes, group of athletes, work together with him and with Ben together.

15 Q. I see, all right. Now, were there any other therapists working for the national team for track and field besides yourself?

A. Yes.

20 Q. Is it fair to say, and I understand from a number of people that you are, if not the best one of the best therapists, certainly in Canada. There are other good therapists, is that correct?

A. Yes.

25 Q. And is it fair to say that a good therapist would, by feeling the muscles and the tendons of

someone's anatomy, they can tell if someone is receiving steroids? At least you certainly could?

A. No, nobody -- another therapist, they don't know about that.

5 THE COMMISSIONER: What was the answer?

THE WITNESS: Other therapist, they don't know about that.

MR. FUTERMAN:

10 Q. How do you know that?

THE COMMISSIONER: Does he say anybody would know or just ----

THE WITNESS: They don't know. They don't have a good feeling.

15 THE COMMISSIONER: I guess they don't know what he knows.

THE WITNESS: They don't have the good feeling and maybe because they don't have also as much experience as I have out of 20 years.

20

MR. FUTERMAN:

Q. Well, would someone like Jack Scott possibly know?

A. No, he is -- he is not good manual.

25

Q. He is not good manual?

A. Yes, he is good with the equipment but not manual. I'm talking about manual because only when somebody is a very good manual, he will feel everything.

Q. Would Charlie Francis know that you would be one of the only therapists who could make that determination, if someone is using steroids?

A. With his life?

Q. Pardon?

A. With his life -- during his life he told that by only one person.

Q. Yes, but are you saying that as far as Charlie Francis was concerned that you're the only one that had that touch that could determine if someone was on steroids?

A. Yes.

MR. FUTERMAN: All right. Thank you.

THE COMMISSIONER: Good. Mr. Sookram?

MR. SOOKRAM: If I may, Mr. Commissioner, I will be very long with this witness.

THE COMMISSIONER: Would you like to take -- because we started late.

MR. SOOKRAM: I can start.

THE COMMISSIONER: You can start and we'll see how we get along.

EXAMINED BY MR. SOOKRAM:

Q. Mr. Matuszewski, tell me again because
I don't think I heard it right, that -- tell me again that
you refused money in Europe shortly before the Olympics,
5 that you refused money in Italy?

(Interpreter translated question; witness
answered)

A. What kind of money?

Q. You told us that you refused an offer
10 of five to \$6,000?

A. Yes. In Germany.

Q. In Germany?

A. Yes.

Q. And what was that money to be given to
15 you for?

(Interpreter translated question; witness
answered)

A. After the treatment with the athletes,
Australian athletes.

Q. Australian athletes?

A. Yes.

Q. You didn't need the money at all?

A. No.

Q. You had a fight with Mr. Pavone, did
25 you not?

A. Yes.

Q. And it was a fight over money, was it not?

A. Yes.

5 Q. And you asked him for \$50 an hour extra to train him, is that right?

A. No, it was together \$6,000 for --

Q. Plus \$50 an hour to train him in Toronto?

10 A. No.

Q. You're certain about that?

A. No. \$6,000, not extra \$50 an hour.

Q. You didn't ask him to give you that extra \$50 that caused a fight?

15 (Interpreter translated question; witness answered)

A. No.

MR. SOOKRAM: Do you read it now?

THE COMMISSIONER: Pardon?

20 MR. SOOKRAM: Mr. Armstrong?

THE COMMISSIONER: Pardon?

MR. SOOKRAM: I'm sorry, Mr. Commissioner.

THE COMMISSIONER: Yes, what are you saying?

25 MR. SOOKRAM: I have some evidence of another nature and I would like to discuss this matter

with the -- with Commission Counsel.

THE COMMISSIONER: All right. We'll adjourn until tomorrow morning. Thank you. Tomorrow morning at ten o'clock, thank you.

5

---Whereupon the proceedings were adjourned to be resumed at ten o'clock, April 25, 1989.

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